

USCCR’s Limited English Proficiency Plan

Plan for Providing Access to Benefits and Services for Persons with Limited English Proficiency

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Background

On August 11, 2000, President Clinton issued an Executive Order directing Federal agencies to ensure that their programs and activities be made accessible to persons with limited English proficiency (LEP). The Executive Order 13166, titled “Improving Access to Services for Persons with Limited English Proficiency,” 65 FR 50121 (August 16, 2000), in Section 2 requires Federal agencies to develop and implement a plan for improving access to services and participation in federally conducted programs and activities to LEP individuals. On November 21, 2022, the Attorney General issued a memorandum, Strengthening the Federal Government’s Commitment to Language Access, requesting that Federal agencies work with the Assistant Attorney General for Civil Rights to share best practices and exchange information about language access initiatives and efforts, and update their language access plans within 180 days of the memorandum. Additionally, on May 28, 2021, President Biden issued Executive Order 14031 titled “Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders”, noting the Administration’s commitment to advance equity and racial justice for underserved communities. Section 1 notes the “[l]inguistic isolation and lack of access to language assistance services continue to lock many AA and NHPI individuals out of opportunity.” Exec. Order No. 14031, 86 Fed. Reg. 14, 7009 (Jan. 20, 2021). The importance of language access is reiterated in Executive Order 14091 titled “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, ” which instructs agencies to consider opportunities to “improve accessibility for people with disabilities and improve language access services to ensure that all communities can engage with agencies’ respective civil rights offices.” Exec. Order No. 14091, 88 Fed. Reg. 35, 10825 (Feb. 22, 2023).

The U.S. Commission on Civil Rights is a Federal fact-finding agency authorized by Congress to investigate a broad range of civil rights, including voting rights complaints and discrimination or the denial of equal protection of the law based on race, color, national origin, religion, gender, age, or disability.

This revised language access plan for the Commission reiterates the Commission’s commitment to ensure that individuals with LEP have meaningful access to the Commission’s work in compliance with Executive Order 13166. The purpose of this plan

is to explain to USCCR staff their language access responsibilities and the set the public's language access expectations under Executive Order 13166a.

To meet its goal of promoting civil rights and ending discrimination, the Commission has reached out to millions of Americans who read and speak languages other than English and who may not be conversant in the English language. It has a long history of focusing on the civil rights of LEP persons. In 1997 the Commission issued a report titled *Equal Educational Opportunity and Nondiscrimination for Students with Limited English Proficiency: Federal Enforcement of Title VI and Lau v. Nichols*. This report is the third volume of the Equal Educational Opportunity Project Series, and examines civil rights enforcement and protections for students whose English is limited. In 1997 the Commission issued *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—Volume IV: The Miami Report*, which discusses the impact of language policies on race relations in Florida. State Advisory Committee (SAC) reports have also focused on LEP individuals. In 2001 the Maine SAC issued a report titled *Limited-English-Proficient Students in Maine: An Assessment of Equal Educational Opportunities*. In 2007 the Commission issued a report titled *Minorities in Special Education*. This report studied whether LEP students are disproportionately misplaced in special education programs. In 2022, the Commission issued a report examining the Federal Emergency Management Agency's (FEMA) disaster responses in Texas and Puerto Rico. The transmission page and summary of this report were provided in Spanish.

Summary

The Department of Justice (DOJ) has requested that the Commission update its plan to improve the language accessibility of its federally conducted programs and activities and to take steps to implement the plan. The U.S. Commission on Civil Rights provides an array of services that can be made accessible to otherwise eligible persons who are not English proficient. The Commission is committed to improving the accessibility of these services to LEP persons. To this end, the Commission has examined the services it provides and has developed this plan to give LEP persons meaningful access to its services, without unduly burdening the fundamental mission of the agency.

The factors that have been considered in determining what constitutes reasonable steps to ensure meaningful access include:

- Number or proportion of LEP persons in the eligible service population;
- Frequency with which LEP individuals come into contact with the program;
- Importance of the service provided by the program; and
- Resources available to the recipient.

The Commission's LEP plan:

- Supports Executive Order 13166 by providing meaningful access to the Commission programs, benefits, services, and information for LEP individuals using the four-factor analysis recommended by DOJ;
- Details the Commission's initiatives and plans to improve access to its federally conducted programs and activities to eligible individuals who are LEP;
- Provides clear, consistent direction in the delivery of efficient, effective, and caring service to LEP individuals;
- Balances service needs of LEP individuals with the fiscal constraints of Commission operations; and
- Provides a framework for resource allocation decisions in the context of all Commission business.

LEP Policy Statement

It is the policy of USCCR that the Agency's staff shall take reasonable steps to provide persons with LEP with meaningful access to all programs or activities conducted by USCCR at no cost to the person with LEP. The policy of taking reasonable steps to provide meaningful access to individuals with LEP applies to USCCR staff, particularly those in contact with the public.

LEP Service Vision Statement

The U.S. Commission on Civil Rights strives to provide effective, efficient, and equitable service to all individuals regardless of their ability to speak, read, or write English. Service delivery options are available to LEP individuals, enabling them to communicate effectively with the Commission in person, over the phone, in writing, and through electronic media.

LEP Policy Elements

The Commission has taken a proactive approach to ensure that individuals can access its programs and services, regardless of their ability to communicate in English. The Commission's LEP policy principles include the following elements:

Stakeholder Consultation. Section 4 of Executive Order 13166 requires that stakeholders, such as LEP persons and their representative organizations, be consulted in connection with the development of implementation plans. The Commission has, and will continue to, consulted with various LEP organizations. For example, while recently establishing advisory committees in six U.S. territories, including Puerto Rico and Guam, USCCR has assessed the non-English needs of those committees. Comments were received from program offices that have predictable and periodic interaction with the LEP individuals. Community-based organizations may be useful in recommending which outreach materials USCCR should translate. As documents are translated,

community-based organizations may be able to help consider whether the documents are written at an appropriate level for the audience. Community-based organizations may also provide valuable feedback to the agency to help USCCR determine whether its language assistance services are effective in overcoming language barriers for LEP persons.

Resource Allocation. The Commission will consider the needs of LEP individuals in the Commission's policies, such as administrative instructions, and long-range goals. Service needs of LEP individuals will be factors in the allocation of Commission resources and service delivery initiatives that the Commission can fully fund. USCCR will also consider agreements with other federal agencies, which can be a cost-effective method of providing language access services.

Service Delivery. LEP individuals have access to the Commission's services through direct contact with the headquarters offices, the Commission website, and through the Commission's network of regional offices and the national 800 phone number.

Bilingual Staffing. The most effective method for providing quality service to LEP individuals is through bilingual contact employees. The goal for field office staffing may include achieving at least proportional representation for each language group constituting a significant portion of the workloads generated in an office's service area. The Commission will endeavor to poll current employees and volunteers for bilingualism. The Commission will take reasonable steps, appropriate to the circumstances, to ensure that it provides interpretative services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type, and purpose of information at issue.

USCCR linguists, staff, or contract personnel ideally should:

- Have demonstrated proficiency in and ability to communicate information accurately in both English and the other language;
- Identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation), translating, or communicating fluently in the target language;
- Have knowledge in both languages of any specialized terms or concepts particular to the component's program or activity and of any particularized vocabulary used by the LEP person;
- Understand and follow confidentiality, impartiality, and ethical rules to the same extent as Agency staff; and
- Understand and adhere to their role as interpreters, translators, or multilingual staff.

Qualified Interpreter Services. The Commission will endeavor to provide an interpreter to an LEP individual or group of individuals or population, within budgetary constraints, if he/she/they requests language assistance, or it is evident that such assistance is needed.

LEP persons will be advised that they may secure the assistance of an interpreter of their own choosing, if they wish, at their own expense or request that USCCR, if funding is available, provide interpreter services. If an LEP individual prefers to provide his/her own interpreter, the Commission will use this interpreter if he/she can provide meaningful access for the individual.

Public Information. The Commission recognizes the value of public information to educate, improve access to its services, address LEP concerns, promote program integrity, and build public confidence in its programs. The Commission produces public information materials in languages other than English and uses national and local media to provide this information to LEP individuals. LEP individuals should have reasonable notices of the availability of these services. The Commission's plan will be publicly available through the Commission website . The Commission will inform communities with LEP about the availability of its language services when providing groups with translated vital documents .

First Contact. USCCR staff should within current fiscal and personnel limitations, at the point of first contact with an individual with LEP, make reasonable efforts to conduct or arrange for an initial assessment of the need for language assistance services. USCCR staff can determine whether a person needs language assistance services in several ways:

- Voluntary self-identification by the individual with LEP or their companion;
- Affirmative inquiry regarding the primary language of the individual if they have self-identified as needing language assistance services;
- Engagement by a qualified multilingual staff or qualified interpreter to verify an individual's primary language;
- Use of an "I Speak" language identification card or poster. Staff should not make assumptions about an individual's primary language based on race, color, national origin; or,
- Asking the individual about their region, municipality, village, or specific community, to ensure the correct identification of language.

Written Communications. The Commission will evaluate the feasibility of translating the most commonly accessed Commission publications into languages other than English. USCCR endeavors to translate vital documents and information into languages based on the needs of the target populations with LEP. In 2022 the Commission issued a report examining the Federal Emergency Management Agency's

(FEMA) disaster responses in Texas and Puerto Rico. The transmission page and summary of this report was offered in Spanish. In order to facilitate access to its programs and to improve administrative effectiveness, the Commission places public information materials on its website.

The Commission's principal programs serve various LEP populations depending on the subject matter of individual reports. According to the American Community Survey, the top five languages spoken in the United States by individuals with LEP are Spanish, Chinese (including the spoken languages of Mandarin and Cantonese and the written languages of Simplified and Traditional Chinese), Vietnamese, Korean, and Tagalog (including Filipino). USCCR staff are encouraged to review the mapping resources on LEP.gov and consult with community organizations and stakeholders when considering target languages for translation. Privacy Act release forms published by the Commission for the purpose of soliciting information about or allegations of possible violations of civil rights statutes will be translated into the language of the LEP group affected by a report. Executive summaries will be prepared of selected reports and a translation of the summaries will be provided, depending on need and demand.

The Commission has a complaint referral system. The Commission does not act as an advocate for complainants in claims of discrimination, nor does the Commission have enforcement powers. However, it does direct complainants to other enforcement agencies for further processing of their complaints. Instructions for filing a complaint are currently translated into Spanish on the Commission website. USCCR will endeavor, to the best of its abilities, to provide translation services of any complaints received in non-English languages.

Vital documents. Vital documents intended for the general public or a broad audience will be translated into the languages of the LEP group affected by the document. For larger documents, translation of vital information contained within the document may be sufficient. Vital documents intended for the general public or a broad audience may include, but are not limited to:

- Entire or sections of National Reports, Meeting transcripts, and advisory committee materials;
- Any forms or written material related to individual rights;
- Any notices of outreach or community meetings or trainings;
- Press releases announcing activities or matters that affect communities with LEP; and,
- Notices regarding the availability of language assistance services provided by the component at no cost to individuals with LEP."

Electronic Information. The Commission maintains a website accessible to the public. The Commission website is also currently available in Spanish at

<https://www.usccr.gov/espanol> and also through GSA's Espanol website, [usa.gov/es](https://www.usccr.gov/espanol). USCCR will endeavor to put a link to the Spanish version of its website under the "Accessibility" tab, which is located at <https://www.usccr.gov/accessibility>, and to increase the amount of content on its website that is displayed in Spanish. The Commission also offers a limited text to speech function in Spanish on some pages of the website. This function is available on both the English and Spanish versions of the website.

Listening to LEP Individuals. The mission of the Commission is to report to the President and Congress on findings regarding the state of civil rights in the United States. The purpose of the State and Territory Advisory Committees is to give advice to the Commission. As a result, the Commission has not systematically collected or recorded primary language data for individuals who benefit from Commission programs.

The Commission has mechanisms, such as a comment and suggestion system on its website, to assess the quality of service provided to LEP individuals, recipients, and beneficiaries.

Technology. When evaluating existing technology and new or emerging technologies, the needs of LEP individuals will be considered. The Commission website currently offers auditory aid in English and Spanish. The Commission will endeavor to further implement technological accessibility options for LEP individuals.

Training. Employees who routinely interact with the public, such as staff in Public Affairs and Regional Programs, will be provided with written information on the scope and nature of available or planned language assistance services. The Office of Human Resources will strive to develop and incorporate new employee orientation and/or training programs, and information on the nature and scope of language assistance services.

Monitoring Services. This language assistance plan will be periodically reassessed to ensure that the scope and nature of language assistance services provided under the plan reflect updated information on relevant LEP populations, their language assistance needs, and their experience under this plan.

The Commission monitors its LEP policies and practices to ensure that they continue to be effective. The Commission will aim to periodically re-evaluate the language needs of LEP individuals to determine possible assistance for non-English-speaking communities. To help best re-evaluate these needs the Commission will consider: conducting an inventory of frequently encountered languages, identifying primary channels of communications for LEP community members, reviewing Agency programs and activities for language accessibility, and consulting with outside stakeholders. The Commission will make its best effort to track LEP workload data on an ongoing basis to

ascertain needs and allocate resources accordingly. This data will be incorporated into the agency's budget estimate plan submitted to OMB annually, as necessary.

Funding. Execution of the commitments in this plan will depend on the level of Commission resources and the relative costs that would be imposed on the Commission. The Commission will explore, on an ongoing basis, the most cost-effective means of delivering competent and accurate language services before limiting services due to resource limitations.

Language stating that individuals with LEP may also have a disability and be provided with accommodations in compliance with Section 508 should be added to an appropriate section.

LEP Definitions and Terms

To ensure consistency across the Commission and aid in the effective implementation of its plan, the Commission provides the following definitions and terms apply to the LEP policies.

- Direct “In-Language” Communication: Monolingual communication in a language other than English between a multilingual staff and a person with LEP (e.g., Korean to Korean).
- Interpretation: The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully orally rendering it into another spoken language (target language) while retaining the same meaning.
- Limited English Proficiency (LEP): Describes individuals who: a. do not speak English as their primary language; and b. have a limited ability to read, write, speak, or understand English. Individuals with LEP may be competent in English for certain types of communication (e.g., speaking or understanding), but have limited proficiency in English in other areas (e.g., reading or writing). LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting (e.g., conversing in English with coworkers), but these skills may be insufficient in other settings (e.g. addressing court proceedings). An individual who is D/HOH may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.
- Language Assistance Services: Oral and written language services used to provide individuals with LEP meaningful access to, and an equal opportunity to participate fully in, the services, activities, and other programs administered by the Commission.

- **Meaningful Access:** Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.
- **Primary Language:** The language in which an individual most effectively communicates when interacting with the Commission. An individual's primary language may be a language variant.
- **Sight Translation:** Oral or signed rendering of written text into spoken or signed language by an interpreter without change in meaning based on a visual review of the original text or document.
- **Translation:** The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, while considering differences of culture and dialect.
- **Vital Document:** Paper or electronic written material that contains information that is critical for accessing a component's programs or activities or is required by law.