

County of Santa Barbara

Limited English Proficiency (LEP) Guidelines

March 2013

LEP Guidelines

SUBJECT:

Providing Language Assistance to Limited English Proficient (LEP) Persons.

PURPOSE:

The purpose of this LEP guideline is to clarify the responsibilities of the County of Santa Barbara, a recipient of Federal financial assistance, in fulfilling its responsibilities to LEP persons.

AUTHORITY:

Title VI of the Civil Rights Act of 1964 and implementing regulations.

SCOPE:

All personnel

DEFINITIONS:

a. BILINGUAL: The ability to use two languages proficiently.

b. INTERPRETATION: The process of listening to a communication in one language and orally converting it to another language while retaining the same meaning. Interpretation deals with oral or signed speech. Someone who interprets is called an interpreter.

c. LIMITED ENGLISH PROFICIENT (LEP): A person is LEP if his/her primary language is not English and s/he has a limited ability to speak, read, write, or understand English. LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

d. PRIMARY LANGUAGE: The language in which an individual is most effectively able to communicate or an individual's native language.

e. QUALIFIED INTERPRETER: A Qualified Interpreter is an individual that identifies themselves as "bilingual" and who demonstrates, through a process established by their department, and/or the Human Resources Department, the ability to communicate in two languages proficiently.

f. TRANSLATION: Changing a written text from one language into an equivalent written text in another language.

I. SUMMARY

As a recipient of federal financial assistance, the County has a responsibility to assure nondiscrimination to persons who are LEP.

II. DISCUSSION:

A. Providing Meaningful Access to Services

The key to assuring meaningful access to services and benefits for LEP persons is to provide language assistance that results in accurate and effective communication between the County and the community by considering the types of services, benefits, activities, and/or the person's circumstances.

B. Language Assistance

LEP persons are entitled to language assistance with respect to a particular type of services, benefits, and/or activities. Reasonable steps will be taken to assure that LEP persons receive the language assistance necessary to afford them meaningful access to County programs and services. The County will:

- Identify the initial point of contact, as well as any subsequent points of contact, with LEP persons where language assistance is likely to be needed. Provide a method or methods at the initial point of contact to notify LEP persons that upon request, they will be offered language assistance at no cost to them and translate vital documents at no cost.

C. Language Assistance Measures

Each department should consider the appropriate balance of written translations and oral language assistance it will provide. In determining the language assistance departments will provide LEP persons to ensure their meaningful access to the department's services, benefits, and/or activities, each department should consider the following factors:

The importance of the service, benefit, or activity that the department provides. For example, if a LEP person cannot access the service, benefit, and/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, the department should focus on improving access for LEP individuals to this service, benefit, and/or activity.

- Even if the department does not provide a critical service, benefit, and/or activity, consider the impact of the denial or delay of the service, benefit, or activity will

have on actual and intended beneficiaries. Departments should consider the long- and short-term impact on beneficiaries when determining the appropriate language assistance that will be provided.

- Determine the points of contact in which LEP persons interact with your department.
- Assess the language assistance that will be provided to LEP persons for each point of contact.
- Identify the means by which staff can access the language assistance the department provides.

II. PROCEDURES:

The following procedures shall apply to staff who encounter LEP persons requesting assistance in the delivery of services, benefits, and/or activities after ensuring the criteria of II.C, Language Assistance Measures, above is met.

1. Each department shall maintain a list of Qualified Interpreters.
2. Staff assisting an LEP person shall identify the primary language of the LEP person.
3. Once the primary language is determined, staff shall then obtain the services of an appropriate Qualified Interpreter.