

## **Module 4: Civil Rights; Limited English Proficiency**

### **Introduction**

This module provides guidance on civil rights and limited English proficiency in the Child and Adult Care Food Program.

### **Resources**

1. FNS Instruction 113-1
2. [www.languagepolicy.net](http://www.languagepolicy.net)
3. [www.fns.usda.gov](http://www.fns.usda.gov)

### **History**

English is the language spoken by most people in the United States. The official language of many states is English and it is the language used in nearly all governmental functions. Despite its prevalence, many people in the United States speak languages other than English. Of the three hundred and eleven languages spoken in the United States; 149 are immigrant and 162 are indigenous languages. English is not the primary language spoken in fourteen million households.

Montana declared English the official state language in 1995. Nine Native languages are spoken in Montana including Blackfeet/Piegans, Cree, Crow/Apsaalooke, Northern Cheyenne, Kootenai, Salish/Pend d'Oreille, Aaniiih/White Clay, Ojibwa and Assiniboine. Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or 'LEP'. These individuals may be entitled to language assistance with respect to a particular type of service, benefit or encounter.

The document that guarantees persons may not be excluded from services or benefits is the Civil Rights Act. The Civil Rights Act was passed on July 2, 1964. Title VI of the Civil Rights Act of 1964 prohibits recipients of Federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities. Three additional protected classes were added to the Civil Rights Act. In 1972, Title IX was endorsed to prevent discrimination based on gender, Section 504 of the Americans with Disabilities Act prohibits discrimination against persons with a disability and in 1975 The Age Discrimination Act was added. Race, national origin, color, sex, disability and age are the six protected classes for child nutrition programs.

In 1974 the United States Supreme Court in *Lau v. Nichols* stated that one type of national origin discrimination is discrimination based on a person's ability to speak, read, write or understand English. This class action suit was brought by non-English speaking Chinese students against officials responsible for the operation of the San Francisco Unified School District. The students claimed that they were not receiving special help in school due to their inability to speak English, which they argued was their right under Title VI of the Civil Rights Act of 1964. The U.S. Supreme Court ruled in favor of the students, expanding rights of students with limited English Proficiency nationwide.

On August 11, 2000, United States President Bill Clinton signed Executive Order 13166, 'Improving Access to Services for Persons with Limited English Proficiency'. The order requires federal agencies to examine the service they provide, identify any need for services to those with LEP, develop and implement a system to provide those services so LEP persons can have meaningful access to them. Recipients of federal financial assistance have an obligation to reduce language barriers that can prevent meaningful access by LEP persons to important benefits.

Language assistance services may include oral interpretation services, bilingual staff, telephone interpreter lines, written language services or community volunteers.

### [Title VI Civil Rights LEP Limited English Proficient - YouTube](#)

The Child and Adult Care Food Program (CACFP) is a child nutrition program administered by Food and Nutrition Services under United States Department of Agriculture. State agency, sponsors and providers who participate in the Child and Adult Care Food are responsible for ensuring that applications and other materials such as letters, applications, instructions, notices and verification materials are available in a language the LEP household can understand.

One in seven young children under the age of 6 in the United States has at least 1 parent who is LEP. Children whose parents are LEP often face difficult barriers when it comes to accessing child care, early education programs and assistance. LEP families are frequently unaware of the availability and benefits of early education programs or services because information is not readily available in their primary language. LEP families may struggle to navigate issues such as location, complex eligibility forms and enrollment processes, especially when language barriers are not appropriately addressed. The results are often a decreased likelihood of enrollment.

### ***Scenario***

Jumping Jacks and Jill's Child Care is located in Lewistown, Montana. They participate in the CACFP. The director of the center is contacted by a new family in town about child care for their two children. The director has a difficult time communicating with the parent due to a language barrier. The director and the parent cannot understand each other. What responsibility does the provider have to communicate information about her program including all documentation needed for enrollment?

As a recipient of Federal assistance from the Child and Adult Care Food Program, the director is required to provide information including benefits and services of her child care program within a reasonable amount of time. A reasonable amount of time equates to 24 hours. The director must attempt to find out what language the parent speaks and the resources available for interpretation in that language. Some language assistance services may include: the local library, a local college, community members or on-line computer programs. If the director discovers that it will take longer than a day to provide interpretation services to the parent, she should contact the parent and let them know she is working towards providing the requested information.

To complete a self-assessment of your program's ability to provide services to LEP persons, consider the following four factors;

1. The number of LEP persons likely to seek child care services from this center.

2. The frequency with which LEP persons come in contact with the provider.
3. The significance of this center's program to people's lives.
4. The resources/funds available to the center and the costs of providing services to LEP persons.

### **Conclusion**

Good customer service is effectively communicating with all customers, responding to their needs, valuing their worth, and instilling excellence through courtesy, confidence, and enthusiasm. Awareness of the potential for a person with limited English proficiency and of resources available to communicate with them is not only good customer service but a responsibility for institutions in contract with the Child and Adult Care Food Program.

## **Module 4: Quiz**

Choose the correct answer.

1. What does LEP stand for?
  - a. Learning for Every Person
  - b. Language of Ethnic Persons
  - c. Limited English Proficiency
  - d. Low English Proficiency
  
2. What Act protects LEP persons?
  - a. American with Disabilities Act
  - b. Civil Rights Act of 1964
  - c. Equal Employment Opportunity Act
  - d. Section 504
  
3. Which of the six protected classes may be cited as potential discrimination for LEP persons?
  - a. Race
  - b. Color
  - c. Disability
  - d. National Origin
  
4. What federal government agency sponsors the Child and Adult Care Food Program?
  - a. Department of Agriculture
  - b. Department of Education
  - c. Social Security
  - d. Department of Economic Security
  
5. Which of the following could be considered a language barrier?
  - a. Two people who speak the same language.
  - b. A person who speaks multiple languages.
  - c. A person who speaks one language.
  - d. Two people who speak different languages.
  
6. Which of the following describes a method for providing information to a person with LEP?
  - a. Speaking louder
  - b. Serving organic foods
  - c. Finding oral interpretation services
  - d. Purchasing adaptive playground equipment

7. From the You Tube video; one characteristic of ancestry is;
  - a. Clothing
  - b. Language
  - c. Education
  - d. Age
  
8. Is the agency you are employed by a recipient of federal funds?
  - a. Yes
  - b. No
  
9. Which of the following is NOT a factor consider when making a plan or policy for serving LEP persons?
  - a. Identify the number of potential LEP persons in an area.
  - b. Identify the frequency LEP persons come in contact with the program.
  - c. The importance of the service provided by the program to the LEP person.
  - d. Identify if the LEP person is a United States citizen.
  
10. Title VI of the Civil Rights Act prohibits;
  - a. Providers from receiving federal funds.
  - b. LEP persons from receiving federal funds.
  - c. Recipients of Federal funds from discrimination on the basis of race, color, national origin
  - d. Prohibits discrimination based on ancestry.

#### **Module 4: Activity**

Go to the USDA FNS website using this link: [www.fns.usda.gov](http://www.fns.usda.gov)

On the homepage, find the 'other languages' tab to answer the following questions.

1. What is the first language listed?
2. What is the last language listed?
3. What form can be found in Thai?
4. What is the **I Speak** statement in French?

What language other than English are you most likely to encounter at your child care center?