

ACF

Administration
For Children
And Families

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

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**CHILD CARE AND DEVELOPMENT FUND
PROGRAM INSTRUCTION**

- To:** Child Care and Development Fund (CCDF) State, Territorial and Tribal Lead Agencies and other interested parties.
- Purpose:** To provide policy guidance on serving persons with Limited English Proficiency.
- References:** Section 418 of the Social Security Act; the Child Care and Development Block Grant Act of 1990 (CCDBG) as amended. 45 CFR Parts 98 and 99. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. and its implementing regulation at 45 C.F.R. Part 80; and Guidance on the Title VI Prohibition Against National Origin Discrimination As It Affects Persons with Limited English Proficiency, as published in the Federal Register on August 30, 2000 (65 FR pages 52672-52774).
- Background:** Title VI of the Civil Rights Act of 1964, (42 U.S.C. 2000d et seq.) and its implementing regulation at 45 C.F.R. Part 80 provides 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 Limited English Proficiency (LEP) with meaningful opportunity to participate in public programs.
- Content:** On August 30, 2000, the Office for Civil Rights within the U.S. Department of Health and Human Services (HHS) issued policy guidance concerning the Title VI prohibition against national origin discrimination as it affects Limited English Proficient (LEP) persons. Specifically, the guidance clarifies how this prohibition applies to health and social service providers who receive Federal financial assistance from HHS (65 FR pages 52672-52774). It is consistent with a Department of Justice 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 LEP persons. This policy guidance took effect immediately upon publication in the Federal Register,

All entities that receive Federal financial assistance from HHS, either directly or indirectly, through a grant, contract or subcontract, are covered by this policy guidance. This includes CCDF grantees, subgrantees and contractors.

States, Territories and Tribes and many other providers of health and social services have legal obligations to comply with Title VI of the Civil Rights Act of 1964 and its implementing regulation. The policy guidance reiterates HHS' longstanding position that in order to avoid discrimination against LEP persons on grounds of national origin, health and social service providers must take adequate steps to ensure that such persons receive free of charge the language assistance necessary to afford them meaningful access to the services.

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 LEP persons have 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 LEP persons. Appendix A to the Guidance is a series of questions and answers that provides a useful summary of a number of the major aspects of the Guidance.

Additional information on DHHS' Limited English Proficiency Guidance can be found at the Office of Civil Rights web site: <http://www.hhs.gov/ocr/lep/>.

Expenses incurred in the provision of LEP services to CCDF recipients or potential recipients may be covered with CCDF funds. These expenses may be subject to the administrative cost limit at 45 CFR 98.52 if the underlying activity is administrative in nature.

Inquiries: Inquiries should be directed to the Regional Managers in the Office for Civil Rights, DHHS, or to the ACF Regional Offices.

James A. Harrell
Acting Commissioner
Administration on Children, Youth
and Families

Attachments:

- 1) Federal Register Notice, Guidance on the Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency, including Appendix A & B (65 FR 52762-52774, dated August 30, 2000);
- 2) List of Regional Managers in the Office for Civil Rights, DHHS; and
- 3) List of ACF Regional Offices

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE FOR CIVIL RIGHTS -- REGIONAL MANAGERS

October 2000

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