



Limited English Proficiency



BEACON
Specialized Living

What is Limited English Proficiency?

Limited English Proficiency (LEP) refers to an individual who cannot speak, read, write or understand the English language at a level that permits him/her to communicate effectively with providers.

This includes individuals with hearing or vision impairments that affect their ability to read, write or understand English.

LEP includes both an individual's receptive and expressive language abilities.

When used to identify persons, individuals may be acknowledged as Limited English Proficient (LEP).

Why worry about Limited English Proficiency?

- 1 out of 5 people speak a language other than English at home.*
- There is no official language of the United States.
- Sometimes the use of English Language does not make sense.
- If not attended to, language may have unintended meanings.



* According to the US Census Bureau

LEP Foundations

There is no one law that pertains to LEP. Instead, there are multiple laws that support LEP.

Title VI of the Civil Rights Act of 1964

No person shall be subject to discrimination on the basis of race, color or national origin under any program or activity that receives Federal Financial Assistance.

Executive Order 13166

Mandates improved access to federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency.

The Rehabilitation Act of 1973

A federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance.

The Americans with Disabilities Act

A Civil Rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation and all public and private places that are open to the general public.

LEP Foundations

There is no one law that pertains to LEP. Instead, there are multiple laws that support LEP.

Title VI of the Civil Rights Act of 1964

Ensures LEP persons have access to equitable treatment and opportunities as those who are fluent in English.

This covers

- *Intentional Practices*
- *Procedures*
- *Criteria*
- *Methods of Administration*

Executive Order 13166

Requires Federal Agencies to implement systems for LEP persons to have meaningful access to services.

All materials will be available in the languages as appropriate. This includes non-English languages that are used by more than 5% of the resident population.

The Rehabilitation Act of 1973

Make reasonable modifications to policies, practices, and procedures to avoid discrimination on the basis of disability.

Persons who are LEP and disabled must have all accommodations afforded to them.

The Americans with Disabilities Act

Protects individuals with disabilities and affords them accommodations to ensure equitable treatment.

You must provide services and programs in the most integrated setting appropriate to the needs of individuals.

Negative Impacts of Communication Barriers

Residents who are LEP may have trouble accessing or obtaining services. This includes:

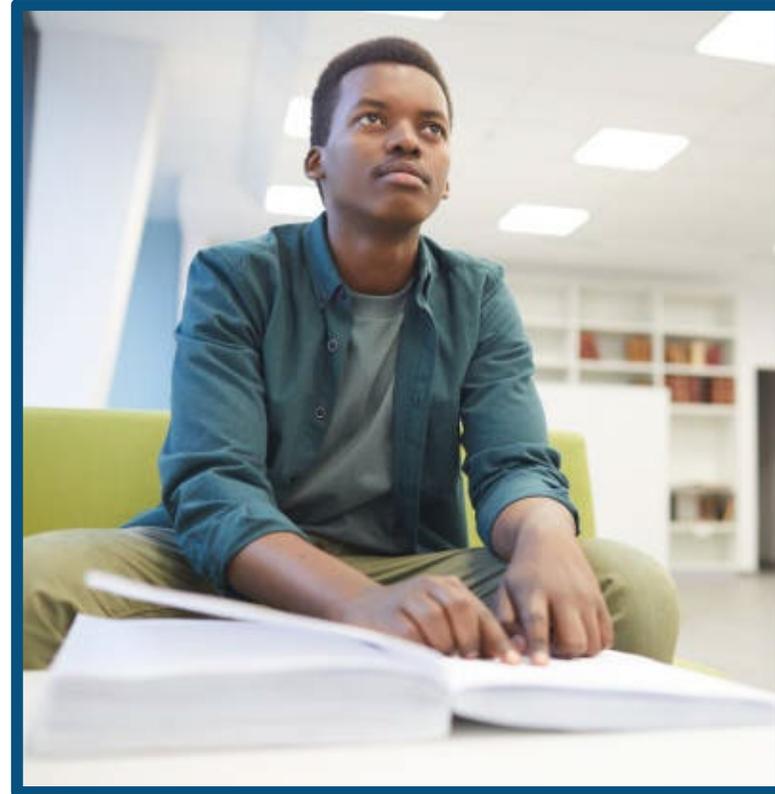
- Denial of needed benefits or services
- Delay in service delivery
- Wrong services are provided
- Unable to communicate needs freely
- Social needs may not be met due to a narrower social circle within the home
- Ineffective services are provided

Consequences for staff due to communication barriers:

- Increased costs and inefficiencies
- Provide inferior services
- Potential rise in frustration of resident and staff due to misunderstandings
- Potential liability for the provision of ineffective services.

Types of Discrimination

- Intentional Discrimination
- Disparate Impact: A policy or activity having the effect of discrimination.
- Denial of Benefit: Restricting privileges.
- Denial of Opportunity
- Providing Different Services or Benefits in a different manner or segregated environment.



What does LEP mean for Beacon?

- As service providers, Beacon Specialized Services is responsible under Federal Law to **assist people with Limited English skills**.
- We are to **eliminate unintentional barriers** to services.
- Ensure residents **understand and can exercise important rights**.
- We must ensure that individuals with LEP can **effectively access critical health and social services**.
- We **provide language assistance at no cost** to persons with LEP. We will pay the cost or utilize the cost-free resources available to us.
- We ensure access to **care is standardized** – regardless of LEP status for any customer.
- If a resident is multi-lingual (they are fluent in more than one language), we must provide tools that help them in the language of their choice. **We CAN NOT make them speak English just because they can.**

Oral Language Assistance

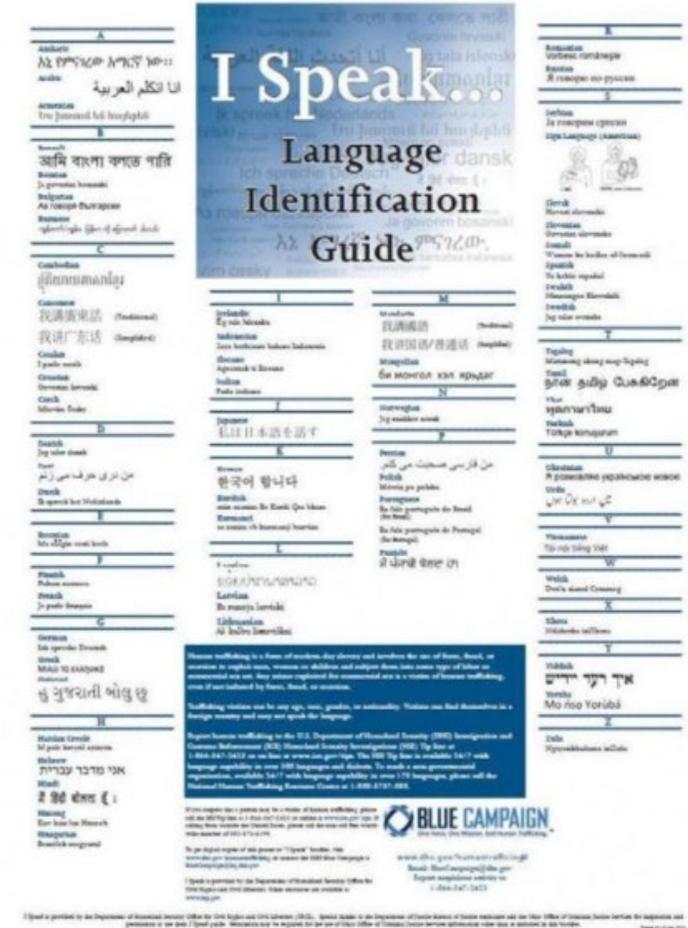


Interpretation is the act of listening to something in one language and translating and transmitting it in another language. Acceptable interpreter options are:

1. Using bilingual staff who are trained and who demonstrate competence as interpreters.
2. On-staff interpreters who are competent and readily available.
3. Contracting with an interpreter who is competent and readily available.
4. Utilizing volunteers who are competent as interpreters, are readily available and maintain client confidentiality.
5. Utilize a telephone interpretation service, as necessary.
6. Teletypewriter: Device that allows users to send typed messages across phone lines.

Written Language Assistance

- I-Speak Cards and Poster can be used to identify what type of language the resident is fluent with. These are available on most Community Mental Health Authority's website.
- Obtain a qualified interpreter.
- Provide materials in the resident's language, including Braille.
- Recipient Rights books from the county exist in a variety of languages. They can be obtained from the Community Mental Health Authority.



† Provided in part by the Department of Behavioral Science, Office for Child Rights and Child Protection (OCCR), funded under the Department of Justice Bureau of Justice Statistics and the Office of Justice Programs Office for Supplemental and Supplemental to the State. † Provided by the Department of Behavioral Science, Office for Child Rights and Child Protection (OCCR), funded under the Department of Justice Bureau of Justice Statistics and the Office of Justice Programs Office for Supplemental and Supplemental to the State.

Written Translation Rules

For all LEP groups where

- The population served by the persons eligible for a program or service.
- The population is likely to be affected by a program or service.

All translated written materials (including vital documents) will be provided when a language group is less than 10% of the residential population or total of 3000 persons.

Written Translation Rules

Translated written materials of only vital documents with the others given orally will occur when a language group is less than 5% of the residential population or total of 1000 persons.

Translated written notice of right for competent oral translation will be provided when the entire population of the language group is less than 100 people.

These are known as the *Safe Harbor Provisions*.

What are considered Vital Documents?

Examples of vital documents include, but are not limited to:

- Applications or enrollment forms
- Letters that give notice of eligibility
- Letters that give notice about changes in services
- Anything that requires the response of the resident
- Medical or discharge information
- Recipient rights, grievances, and appeals
- Residential service materials

Accommodations for Audio or Visual Impairments

Audio

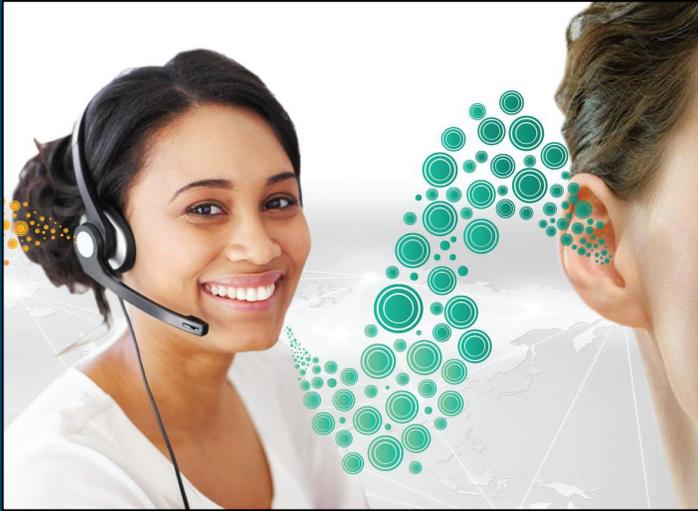


- Oral explanations of services
- Audio tape materials
- Large print materials
- Braille materials
- Video magnifier or Closed-Circuit Television

Visual



- Certified Sign Language interpreters
- Captions, visuals, communication boards and pictorial materials
- TTY equipment
- Computer based materials and information



Can you use Family/Friends as interpreters?

The use of family or friends **MUST NOT** be suggested or encouraged to a Person with LEP by any member of Beacon staff.

The use of such persons could result in a breach of confidentiality or reluctance on the part of the resident to reveal personal information critical to their situations. This would compromise the effectiveness of services. There is also room for a biased interpreter to translate incorrectly (i.e. if the parent is translating but they were abusive to the resident).

Beacon will offer FREE trained interpreters to participate as needed in services.





Can you use Family/Friends as interpreters?

The only time an unqualified interpreter like a family member or friend should be used is in an emergency.

Even if a person with LEP declines the use of an interpreter and elects to use a family member/friend, we should suggest that a trained interpreter sit in to ensure accurate interpretation.

Document the offer and declination in the individual's file.

The use of the unqualified interpreter due to declination or emergency should be documented in the individual's file.



Tips for Working with an Interpreter



- Communication should be focused on the resident and you – not the interpreter and you.
- Speak clearly. Try not to use jargon or acronyms.
- If you do not believe you are getting enough information, ask the interpreter to re-phase your questions to clarify.
 - In Person – it may be helpful to have the interpreter sit behind the resident with LEP to promote eye contact.
 - When using a telephone interpreter service, it may be helpful to have the conversation on speakerphone.

Additional Resources

Michigan Bureau of Services for the Blind

www.Michigan.gov/bsbp

(517) 373-2063 (Voice), 800-292-4200 (Voice, toll-free), 517-373-4025 (TTY), (888)-864-1212 (TTY, toll-free)

Michigan Relay Center

Provides telecommunications relay services for the state of Michigan. More information available at:
<https://hamiltonrelay.com/michigan/index.html>

Callers should dial 7-1-1 or 1-800-649-3777 and give (tell) the operator what number they are trying to reach.

Contract Interpreters

7CLingo

Voices for Health

Both companies provide telephonic and face-to-face/on-site interpretation services (including American Sign Language). Your supervisor can get check if you are already contracted or help get a contract set up.