



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

MEMORANDUM

To: School Food Authorities

From: Elizabeth Leach

Elizabeth Leach
School Programs Manager

Date: June 3, 2016

Re: Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meals Programs; Guidance and Q&As

State Agency Memo
NSLP #07-16

The intent of the school meal programs is to provide nutritious and appealing meals that support the growth and development of students during the school day. In order to connect children in need with healthy meals, schools must make families aware of the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the Special Milk Program (SMP). They also must reduce barriers to participation and certify children who are eligible for free and reduced price meals within 10 operating days of the receipt of the application. Some schools, however, face challenges in reaching eligible students from households comprised of individuals with Limited English Proficiency (LEP).

The purpose of this memorandum is to remind local educational agencies (LEAs) and schools that they are required to take reasonable steps to ensure meaningful access to school meals for eligible students from households comprised of LEP individuals. This memorandum summarizes existing U.S. Department of Agriculture (USDA) and Food and Nutrition Service (FNS) guidance intended to assist Program participants in providing meaningful access for LEP persons. Guidance incorporated in this memorandum is described in detail below.

USDA guidance released in 2014 requires State agencies, LEAs, and schools that receive Federal funding to ensure language is not a barrier to receiving school meal benefits. State agencies, LEAs, and schools are required to take reasonable steps to ensure meaningful access for individuals with LEP to the information and services they provide. *Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency* is available at: <https://www.gpo.gov/fdsys/pkg/FR-2014-11-28/pdf/2014-27960.pdf>. Agency-specific requirements are included in *FNS Instruction 113-1: Civil Rights Compliance and Enforcement – Nutrition Programs and Activities*, available at: <http://www.fns.usda.gov/sites/default/files/113-1.pdf>.

In addition, as required by Section 9(b) of the *Richard B. Russell National School Lunch Act*, 42 USC 1758(b), and program regulations at 7 CFR 245.5, LEAs must publicly announce the availability of free and reduced price meals. The announcement must include an assurance that there will be no discrimination against LEP persons in the school meal programs. An overview of the public announcement requirement may be found in the *Eligibility Manual for School Meals*, available at: <http://www.fns.usda.gov/school-meals/guidance-and-resources>.

FNS is issuing this guidance in a Question and Answer (Q&A) format to provide straightforward responses to questions that FNS has received regarding communications with LEP individuals. Topics include:

- General information about language access for LEP persons;
- Identification and assessment of the language assistance needs of LEP persons and the resources to serve them;
- Translation of vital information using qualified, competent translators;
- Provision of oral interpretation services using qualified, competent interpreters; and
- Other factors to consider when developing procedures for serving LEP persons.

Please direct all questions to your designated Program Specialist.