

LIMITED ENGLISH PROFICIENCY POLICY & LANGUAGE ACCESS PLAN FOR N.C. COOPERATIVE EXTENSION

SECTION 1. PURPOSE

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin by an entity receiving federal financial assistance. This Limited English Proficiency policy and Language Access plan was developed to ensure effective communication and equal access to services provided by NC Cooperative Extension for persons with limited English proficiency. Limited English Proficient (LEP) persons are defined as any prospective, potential or actual recipient of NC Cooperative Extension benefits or services, who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with Extension personnel. The plan provides a comprehensive and shared understanding of how NC Cooperative Extension, as a part of the U.S. land grant system, operationalizes its organizational responsibilities and commitment to serving the linguistically diverse persons and communities of North Carolina.

SECTION 2. LIMITED ENGLISH PROFICIENCY POLICY

It is NC Cooperative Extension's policy to ensure no person is subjected to prohibited discrimination based on national origin in any Extension program or service. It is our policy to ensure that reasonable steps are taken to provide timely, meaningful access and an equal opportunity to participate in services, activities, programs, and other benefits to individuals whose first language is not English. This policy includes providing oral interpretation or written translation of vital documents and other information to limited English proficient (LEP) persons and their authorized representatives. All interpreters, translators, and other aids needed to comply with this policy will be provided without cost to the person(s) being served. LEP persons and their authorized representatives will be informed of the availability of such assistance.

NC Cooperative Extension will conduct a review of the language access needs of its customers and update this plan periodically as warranted. Employees having direct contact with LEP persons will be trained in effective communication techniques, including the procedures for securing interpretation and translation services.

SECTION 3. SCOPE

This Language Access Plan applies to all programs, activities and services carried out by NC Cooperative Extension.

SECTION 4. AUTHORITIES

Title VI of the Civil Rights Act of 1964, Section 601; 42 U.S.C. 2000d et seq.; and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to

discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. The following core set of laws, policies, regulations, and tools formulate the legal standards for language access accountability and nondiscrimination compliance:

- Title VI of the Civil Rights Act of 1964
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (2000)
- U.S. Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (DOJ LEP Guidance) reprinted at 67 FR 41455 (June 18, 2002)
- U.S. Department of Justice Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (2011)
- National Institute of Food and Agriculture's (NIFA) Limited English Proficiency Tool Kit (2011)
- 7 CFR Part 15 Subpart A U.S. Department of Agriculture's (USDA) Final Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency (2014)
- National Institute of Food and Agriculture's (NIFA) Limited English Proficiency (LEP) Implementing Strategy for Federally Assisted Programs (2016)

SECTION 5. DEFINITIONS/KEY TERMS

Bilingual. The knowledge and ability to understand, read, and write fluently in two languages.

Discrimination. The unfavorable treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.

Interpretation. Listening to communication in one language and orally converting it to another language while retaining the same meaning.

Language Access. Efforts to make programs and services accessible to individuals who are not proficient in English.

Language Assistance Services. Interpretation or translation services that assist LEP persons in understanding or communicating in another language.

Limited English Proficient (LEP) Person. An individual who does not speak English as their primary language and self-identifies as having a limited ability to read, speak, write or understand English.

Meaningful Access. Denotes access to programs, activities and services that are not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient persons.

Qualified Interpreter. An individual who provides interpretation services at a level of fluency, comprehension, impartiality and confidentiality appropriate to the specific nature, type and purpose of the information at issue.

Reasonable Steps. The affirmative and appropriate measures and resources used to mitigate access barriers to information and participation in educational programs.

Translation. The process of transferring ideas expressed in writing from one language to another language.

Translator. A person who transfers ideas expressed in writing from one language to another.

Vital Document. Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

SECTION 6. STATEWIDE FOUR FACTOR ANALYSIS

NC Cooperative Extension’s Limited English Proficiency policy is based on a four-factor analysis used to determine the appropriate language assistance services needed to ensure that an LEP person has meaningful access to programs and activities. The four factors on which this plan is based are incorporated into the plan for statewide program delivery. County Extension offices will conduct geographic area specific four-factor analyses once every five years. A copy of the county level analysis shall be maintained in the county civil rights file.

FACTOR 1: THE NUMBER OR PROPORTION OF LEP PERSONS SERVED OR ENCOUNTERED

Extension staff must consider who would potentially be excluded from the program or activity if efforts to remove language barriers are nonexistent. The greater the number or proportion of LEP persons within the eligible service population, the more likely language services are needed.

The majority of persons living in North Carolina read, write, speak, and understand English. There are a number of people, however, for whom English is not their primary language. Over 1 million people age 5 years and older¹ speak a language other than English at home (11.4% of the population). Languages with the highest prevalence include Spanish, Chinese, Vietnamese, Arabic, French, and Korean. Spanish is the most frequently spoken language (by 704,788 individuals) of which 45% of Spanish speakers reported speaking English less than “very well.”

It is estimated that statewide 4.7 percent of individuals self-identify as limited in their ability to speak, read, write or understand English. Among North Carolina’s 100 counties, 18 have high concentrations of LEP persons (>5%) of which 11 counties have high concentrations of Spanish speaking LEP persons (>5%).

Most common languages spoken at home (2013-2017)

	Total Number of speakers	Number who speak English less than “very well”	Percent of total population who speak English less than “very well”
Total population 5 years and over	9,448,581	440,876	4.67%
Spanish	704,788	315,448	3.34%
Chinese	34,508	15,782	0.17%
Vietnamese	24,155	14,486	0.15%
Arabic	22,187	7,942	0.08%
French	27,865	6,573	0.07%
Korean	14,413	6,635	0.07%

Source: US Census Bureau, 2013-2017 American Community Survey (Table C16001 5 year estimate)

¹ American Community Survey 2013-2017 (Table B16001 5 year estimate)

Counties with highest concentration of LEP persons (2013-2017)

	Total population (>age 5)	LEP population (number)	LEP population (percent)
North Carolina	9,448,581	440,876	4.7%
Duplin County	55,505	6,740	13.1%
Sampson County	59,567	5,828	9.8%
Durham County	280,356	24,851	8.9%
Mecklenburg County	963,322	85,023	8.8%
Lee County	55,885	4,711	8.4%
Greene County	19,949	1,409	7.1%
Montgomery County	25,889	1,798	7.0%
Hyde County	5,216	359	6.9%
Wayne County	116,139	7,239	6.2%
Orange County	135,175	8,088	6.0%
Forsyth County	345,396	20,350	5.9%
Wake County	958,124	56,205	5.9%
Chatham County	64,956	3,778	5.8%
Guilford County	486,189	27,555	5.7%
Alamance County	148,617	8,258	5.6%
Johnston County	174,148	9,637	5.5%
Catawba County	147,212	7,923	5.4%
Hoke County	47,891	2,475	5.2%

Source: US Census Bureau, 2013-2017 American Community Survey (Table C16001 5 year estimate)

Counties with highest concentration of LEP Spanish language speakers

Spanish speaking LEP population (%)		Spanish speaking LEP population (%)	
Duplin County	12.0%	Montgomery County	6.1%
Sampson County	9.3%	Mecklenburg County	5.5%
Lee County	8.1%	Chatham County	5.3%
Greene County	6.8%	Johnston County	5.2%
Hyde County	6.7%	Wayne County	5.0%
Durham County	6.7%		

Source: US Census Bureau, 2013-2017 American Community Survey (Table C16001 5 year estimate)

FACTOR 2: THE FREQUENCY WITH WHICH LEP PERSONS COME INTO CONTACT WITH THE PROGRAM OR ACTIVITY. Frequency of contact with particular language groups is related to the need for enhanced language services. The steps that are reasonable when serving an LEP person on a one-time basis are very different than those expected when serving LEP persons daily. The North Carolina Extension Reporting System (ERS) maintains data on the number of direct Hispanic/Latino contacts. During 2018, 8% of Extension's direct contacts were with Hispanic/Latino persons (7% in 2017, 9% in 2016 and 7% in 2015). At the county level, 17 out of 100 counties reported 10% or more of their direct contacts were with Hispanic/Latino persons. It is likely that enhanced language services are necessary in the 17 counties with documented prior contact with the LEP population.

Direct contacts

	Total number of direct contacts	Number of direct contacts Hispanic/Latino	Percent of direct contacts Hispanic/Latino
Chatham County	34,628	7,702	22.2%
Burke County	51,192	9,606	18.8%
Pender County	14,640	2,682	18.3%
Avery County	19,661	3,173	16.1%
Wake County	273,234	43,534	15.9%
Wayne County	49,028	7,631	15.6%
Union County	17,249	2,672	15.4%
Greene County	11,212	1,489	13.3%
McDowell County	9,143	1,209	13.2%
Henderson County	33,795	4,276	12.7%
Yadkin County	6,570	809	11.9%
Ashe County	21,069	2,478	11.8%
Davie County	8,111	957	11.8%
Cleveland County	18,746	2,194	11.7%
Sampson County	55,483	6,408	11.5%
Catawba County	21,131	2,378	11.3%
Montgomery County	10,393	1,039	10.0%

Source: NC Extension Reporting System, 2018

FACTOR 3: THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY OR SERVICE. If programs and services are not provided in languages other than English, LEP persons would not have access to Extension. Each Extension program has a different importance and effect. The importance of the activity, or the likelihood of consequences to LEP people, is reviewed and balanced against the other three factors. Extension program leaders, specialists, and/or program teams will identify activities and services which would have serious consequences to persons if language barriers prevented access to information, or the benefits of those programs and language assistance services will be made available. NC Cooperative Extension will determine the appropriate form of language assistance (written or oral) to be provided at no cost to the LEP individual.

FACTOR 4: THE RESOURCES AVAILABLE TO THE RECIPIENT AND COSTS. The most cost-effective means of delivering competent and accurate language services should be carefully explored before deciding to limit services due to resource concerns. "Reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Resource and cost issues, however, can often be reduced by technological advances; the sharing of language assistance materials and services; the formalized use of qualified community volunteers; and reasonable business practices. Prior to denial of services consideration should be made whether there is a potential for an LEP person to be adversely impacted, be excluded from use or benefits of a program, or be injured if language assistance services are not provided. Externally funded and self-supported programs should build language support services into the program budget.

SECTION 7. LANGUAGE ACCESS

NC Cooperative Extension has a legal obligation to provide accommodations for individuals with limited English proficiency. Therefore, it is unlawful to deny a request for language support services to a person who is a participant, or wants to participate in Cooperative Extension programs, services, and activities. Extension is legally obligated to provide translation or interpretation services any time a member of the public requests services in connection to their—or someone else's—restricted ability to access or understand English-only information that is related to our educational programming activities.

At the point of contact with an LEP person, Extension employees will determine whether the person has limited English proficiency, determine his or her primary language and implement or procure the appropriate language assistance service. The primary methods to identify LEP persons who require language assistance services are self-identification during program registration and using “I Speak” language identification cards.

In response to the needs of LEP persons, Extension may provide interpretation assistance by qualified interpreters including: employees, volunteers, shared county resources, contacted vendors, or telephonic interpretation services. Persons providing interpretation services will either be native speakers and/or qualified interpreters. Cooperative Extension local offices may utilize the services of contract telephone interpretation services for in-office interpretation. County offices are encouraged to utilize qualified bilingual staff, volunteers, shared staff from other county agencies, or staff from neighboring counties. Contracts with interpreters can also be established if internal resources are not available. NC State Extension has two sets of one-way microphones to use during programs, activities and services that need simultaneous interpretation. To borrow the simultaneous interpretation equipment or for assistance in hiring an interpreter contact the Latino Programs Manager.

The translation of vital documents into languages other than English is particularly important. Examples of vital documents include but are not limited to: applications, public notices, release or consent forms, letters containing important information regarding participation in a program, eligibility rules, documents related to a participant's medical history, emergency information, documents that ask for information that is sensitive in nature, notices advising of the availability of language assistance and outreach and community education materials. Identified vital documents will be translated and made available to county offices. Other written materials that are routinely provided to applicants, customers and the general public may be translated into languages that are regularly encountered upon request. Written materials include electronic documents and web-sites. Written translation can range from translation of an entire document to translation of a short summary of the document. Safe Harbor Provisions provide for the following actions to be considered strong evidence of compliance with written-translation obligations: Written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered are provided. Translation of other documents if needed, can be provided orally. Or, if there are fewer than 50 persons in a language group that reaches the 5 percent trigger in (a), vital written materials are not translated but written notice is provided in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

SECTION 10. COMMUNICATIONS PLAN

Cooperative Extension will inform customers of our free limited English proficiency services. This limited English proficiency plan will be posted on our web page. Language identification posters will be located in each county office. Information on language access services will be provided during targeted outreach activities. Outreach documents will be available that indicate that free language services are available. Collaborative efforts will be made with community-based organizations to inform LEP persons of Extension's services, including the availability of language assistance services.

SECTION 11. TRAINING

Training for staff who could potentially interact or communicate with LEP persons are required to complete training on addressing the language needs of LEP customers. Training will include procedures for requesting translation and interpretation services. The NC State Evaluation & Accountability Coordinator will provide leadership for training and resources that help the organization meet its language access needs and goals.

SECTION 12: MONITORING AND EVALUATION

County LEP self-assessments will be completed annually and maintained in the county civil rights file. District Extension Directors will provide oversight of the annual review process. The Evaluation and Accountability Coordinator will provide ongoing administrative oversight for monitoring and evaluating the reach and impact of language access efforts and to ensure our LEP policies and procedures remain current and result in effective language services and meaningful access. The Language Access Plan will be reviewed and updated every five years.

SECTION 13. LANGUAGE ACCESS COMPLAINTS

A complaint or charge of discrimination or harassment can be registered by any person (employee, program or activity participant, job applicant, visitor, volunteer, etc.) who has reason to believe that they have been subjected to or witnessed unlawful discrimination, harassment, or retaliation in an Extension education program or activity, or in the employment setting.

For specific questions or to file a discrimination complaint, please contact:

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