

Limited English Proficiency (LEP) Language Access Planning



The purpose of this training is to provide a foundational background on limited English proficiency and language access and to provide guidance on how to develop a language access plan for your county center. Language access planning ensures that Cooperative Extension will take reasonable steps to provide individuals who are limited English proficient with meaningful access to all our programs, activities and services at no additional cost to the participant.



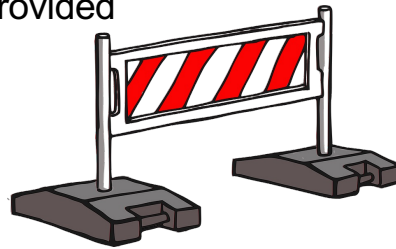
Limited English Proficient (LEP)

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Individuals who are limited English proficient or LEP do not speak English as their primary language and have a limited ability to read, speak, write or understand English. It's important to recognize that individuals might be competent in English for certain types of communications such as speaking but still be LEP for other types of communications such as reading.

Consequences of communication barriers...

- Denial of needed benefits and services
- Delay in service delivery
- The wrong services are provided
- Ineffective services are provided



Not being able to communicate with the LEP population can result in the denial or delay of needed benefits and services, the wrong service being provided, or service being ineffective because of a lack of understanding.

Title VI Civil Rights Act of 1964

No person in the United States shall, on the ground of race, color, or **national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.



Our obligation to provide language access services is based in Title VI of the Civil Rights Act of 1964 which holds that No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The U.S. Supreme Court stated that one type of **national origin** discrimination is discrimination based on a person's inability to speak, read, write or understand English (Lau v. Nichols (1974)).



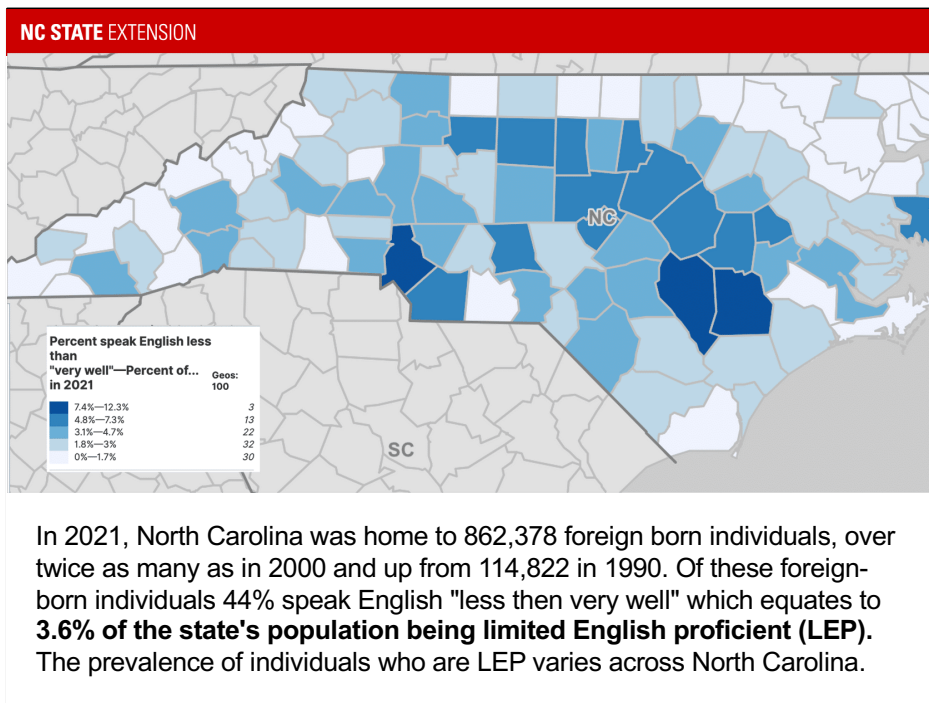
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Executive Order 13166 “Improving Access to Services for Persons with LEP” (2000)



Requires that the Federal agencies ensure that recipients of federal financial assistance provide **meaningful access to their LEP applicants and beneficiaries.**

In 2000 President Bill Clinton issued Executive order 13166 which reinforced Title IV by requiring federal agencies and recipients of federal funds to provide meaningful access to limited English proficient individuals.



As of 2021, North Carolina was home to over 850 thousand foreign born individuals, more than twice as many as in 2000 and up from just under 115 thousand back in 1990. Of these foreign-born individuals 44% speak English "less then very well" which equates to 3.6% of the state's population being limited English proficient. You will notice on the map that the prevalence of individuals who are LEP varies across North Carolina. Because of the differences in the composition of the state's population there is not a one size fits all approach that can be made to serving the LEP population and each county center needs to consider the needs of the population they serve.

Language Access Plan

Recipients of federal financial assistance are required to create a language access plan.

A language access plan is a document that spells out services will be provided to individuals who are limited English proficient.

As a recipient of federal financial assistance Extension is required to create a language access plan, which is a document that spells out how services will be provided to people who are limited English proficient. CALS has an overarching language access plan; however as we saw on the statewide map what is needed in one county may not be in another. Therefore, each county center will develop their own language access plan that reflects the needs of the local population.



The language access plan you develop for your county will have a number of important components. As you begin the planning process you will identify and assess the LEP community and understand how LEP individuals interact with the county extension programs. The plan also outlines how the public will become aware of language services and what mix of language services will be provided. Finally, the plan will include information on how staff will be trained and how the plan will be monitored and updated. Extension has created a template for you to use as you develop your plan.

The starting point is an individualized assessment that balances four factors.

A Four-Factor Analysis examines...

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by N.C. Cooperative Extension in your county
2. The frequency with which LEP persons using a particular language come in contact with N.C. Cooperative Extension in your county
3. The nature and importance of N.C. Cooperative Extension programs or activities in your county
4. The resources available and costs to implement LEP services

The starting point is an individualized assessment that balances four factors. A Four-Factor Analysis examines the number or proportion of LEP persons eligible to be served or likely to be encountered by N.C. Cooperative Extension in your county; the frequency with which LEP persons using a particular language come in contact with Extension; the nature and importance of Extension programs or activities in your county; and the resources available and costs to implement LEP services.

Completing the Language Access Plan

1. A Language Access Plan should be developed by each Extension Center.
2. Input from the entire staff should be used when conducting a review of data and developing the plan.
3. Begin by opening the 2023 County Language Access Plan Template.
4. Familiarize yourself with the information contained in the template.
5. Complete the form fields included in the template.

When developing your language access plan you should gather input from your entire staff. This can be done by having the staff get together for a meeting to discuss the items, surveying staff or meeting with the staff individually. You should familiarize yourself with the information contained in the template prior to filling in form fields on the template.

Factor 1: How many LEP people are eligible to be served or likely to be encountered by Extension programs in your county?

Determine the number or proportion of LEP persons eligible to be served or encountered during program delivery, by reviewing data on the number of individuals who speak English less than “very well” in the service population from the Census Bureau’s American Community Survey Table C16001.

A shared spreadsheet with this data is available in Google Drive at:

After reviewing pages 1 and 2, you will begin the 4-Factor Analysis process. With factor 1 you will look at how many limited English proficient people live in your county or in the case of EBCI, your service population. You will also look at the languages spoken. This data is gathered from the US Census American Community survey. A spreadsheet is available with the data for you to use.

Enter data for your county/service population from the American Community Survey 5 Year Estimates* on page 3 of the Language Access Plan Template.

Language spoken at home (5 years and older)	Number	Percent
Total Population		100%
Spanish: Speak English less than "very well"		
French, Haitian, or Cajun: Speak English less than "very well"		
German or other West Germanic languages: Speak English less than "very well"		
Russian, Polish, or other Slavic languages: Speak English less than "very well"		
Korean: Speak English less than "very well"		
Chinese (incl. Mandarin, Cantonese): Speak English less than "very well"		
Vietnamese: Speak English less than "very well"		
Tagalog (incl. Filipino): Speak English less than "very well"		
Arabic: Speak English less than "very well"		
Other Indo-European languages: Speak English less than "very well"		
Other Asian and Pacific Island languages: Speak English less than "very well"		
Other and unspecified languages: Speak English less than "very well"		

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates Table C16001.

*A spreadsheet is available with 2017-2021 data broken down by county/geographic area.

Look on the spreadsheet for your county then enter the data in the first table on page 3 of the template. This step helps you and your staff recognize the different language groups within your county that potentially may request Extension services.

Factor 2: How frequently do LEP persons come into contact with Extension programs, activities and services in your county?

Assess the frequency that individuals with limited English proficiency come into contact with Extension, as accurately as possible by reviewing the frequency with which you have had contact with LEP individuals from different language groups seeking assistance in the past year.

All employees should be included in this review process.

Factor 2 asks you to assess the frequency that individuals with limited English proficiency come into contact with your Extension programs. It's important to include your staff when examining factor 2.

Enter data identifying the languages encountered in the past year by program area. Estimate the number of individuals encountered in the past year and the frequency of interactions.

Language Encountered	Program Area	Number of Individuals	Frequency (daily, weekly, monthly, quarterly, yearly)
<input type="text"/>	<input type="checkbox"/> ANR <input type="checkbox"/> CRD <input type="checkbox"/> FCS <input type="checkbox"/> 4-H	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<input type="text"/>	<input type="checkbox"/> ANR <input type="checkbox"/> CRD <input type="checkbox"/> FCS <input type="checkbox"/> 4-H	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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On the second table located on page 3 enter the languages encountered by your staff in the past year. In the second column check off the program areas where each of the languages were encountered. For each program area you check off, enter the approximate number of individuals that were encountered in column 3 and how often they were encountered in column 4. This step helps you to review where services have been needed in the past to help predict language groups you may encounter in the future.

Factor 3: What is the nature and importance of the program, activity or service?

- Identify the nature and importance of programs, activities, and services, by reviewing the programming that is provided by your County Center and the audience you serve.
- Determine the potential impact that the inability to access Extension services, programs or activities may have on the LEP person.
- All employees should be included in this review process.

Next you will Identify the nature and importance of programs, activities, and services, by reviewing the programming that is provided by your County Center and the audience you serve. What you are trying to determine is the potential impact that the inability to access Extension services, programs or activities may have on the LEP person. Again, all employees should be included in this review process to ensure all program areas are considered.

1. List any programs, activities, or services that are considered compulsory or check the box indicating that your Center does not offer any programs that are required and cannot be received from another source.
2. Then list programs, activities, or services where a delay or denial could have serious consequences or check the box indicating that your Center does not offer any programs that a delay or denial would have serious consequences.

1. The following compulsory Extension activities, programs or services are provided:
or ☐ No compulsory activities, programs or services are provided.
 2. The following Extension activities, programs or services are provided where denial or delays in the provision of services or participation in programs and/or activities could have serious consequences for an LEP customer. (For example: health, safety, economic, environmental, food, shelter, transportation, etc.):
or ☐ No denials or delays in activities, programs or services would result in serious consequences to the LEP individual.

Answer the 2 questions on page 4. If your county center offers any programs or services that compulsory list them under item 1, if no compulsory services are offered enter "none" and check the box indicating no compulsory activities are provided. Then list in item 2 any programs or services that a denial or delay could result in serious consequences for LEP customers, again if no services apply enter "none" in the text block and check the box for no denials or delays would result in serious consequences.

Factor 4: What resources are available and what are the costs?

- Explore the most cost-effective means of delivering competent and accurate language services, including determining the costs associated with translating documents, contracting for interpreters, and other language assistance methods as needed.
- In addition to using employees who are able to provide assistance to customers who speak those languages, also explore resources provided by county government and community organizations.
- Determine if any additional services are needed to provide meaningful access.

The final factor to help guide decisions about language services is the resources available. The method of service delivery may differ based on county needs and available resources.

1. Check the boxes for resources that are available to provide oral interpretation and language translation. Since telephone interpretation services are available to everyone, this has already been checked off.
2. List written materials that are available in languages other than English. If no resources are available indicate - none.

The following resources are available to provide language interpretation:	
<input type="checkbox"/> Bilingual employees	<input type="checkbox"/> Interpreters from community-based organizations
<input type="checkbox"/> Bilingual volunteers	<input type="checkbox"/> Interpreters from other county departments
<input type="checkbox"/> Contract interpreters	<input type="checkbox"/> Assistance will be requested from Extension Administration
<input checked="" type="checkbox"/> Telephone interpretation services	<input type="checkbox"/> Other <input type="text"/>
The following resources are available to provide document translation:	
<input type="checkbox"/> Bilingual employees	<input type="checkbox"/> Translators from community-based organizations
<input type="checkbox"/> Bilingual volunteers	<input type="checkbox"/> Translators from other county departments
<input type="checkbox"/> Contract translators	<input type="checkbox"/> Assistance will be requested from Extension Administration
	<input type="checkbox"/> Other <input type="text"/>
The following written materials are available to the public in languages other than English:	
<input type="text"/>	

Check the boxes for resources that are available to provide oral interpretation and document translation. Since telephone interpretation services are available to everyone, this has already been checked off. Then in the text box list written materials that are available in languages other than English. If no resources are available indicate none.

Methods to notify the public of services for LEP individuals

- Posting signs in Extension office
- Translating outreach materials and brochures
- Including notification in multilingual newspapers, radio and television, website and social media
- Partnering with community-based organizations and other stakeholders
- Conducting presentations and outreach at schools, religious, and community organizations

The next section of your language access plan reviews the methods available to notify the public of language access services. There are a number of ways notification can be made such as posting signs in the Extension office, translating outreach materials and brochures, including notification in multilingual newspapers, radio and television, website and social media, partnering with community-based organizations and other stakeholders, and conducting presentations and outreach at schools, religious organizations, and community organizations.

1. Identify the organizations and other stakeholders in the community that routinely work with LEP individuals.
2. Identify the local newspapers that routinely serve LEP individuals.
3. Identify the local media outlets that routinely serve LEP individuals.
4. Identify the local events that are attended by LEP individuals.

In this section of the template identify the organizations and other stakeholders in the community that routinely work with LEP individuals, the local newspapers that routinely serve LEP individuals, the local media outlets that routinely serve LEP individuals, and the local events that are attended by LEP individuals.

Identification of LEP individuals

At the point of first contact with a customer, determine whether the person has limited English proficiency.

1. Use of language identification poster displayed in the reception area
2. Use of “I Speak” language identification cards
3. Self-identification by the LEP individual or identification by a companion

The section on how to identify LEP individuals contains standardized text that applies to all county centers. Make sure you review this material on encountering LEP individuals and identifying the language they speak using the language identification poster or trifold cards or through self-identification during registration. Additional language posters, trifolds or wallet cards can be requested from Evaluation & Accountability.

Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language).

The template continues with information on language services including oral language interpretation. Interpretation is the act of listening to something in one language, the source language and orally translating it into another language, the target language.

NC STATE EXTENSION

- LEP persons must be notified that their choice to work with an informal interpreter is voluntary, and that a “qualified interpreter” can be provided at no cost
- Issues of competency, confidentiality and conflict of interest may make the use of family members (especially children), friends or other informal interpreters inappropriate
- Extension may not require, suggest or encourage an LEP person to use friends or family members as interpreters; however, if an LEP individual declines interpretation services they have the right to use a family member or friend

LEP persons must be notified that their choice to work with an informal interpreter is voluntary, and that a “qualified interpreter” can be provided at no cost. Issues of competency, confidentiality and conflict of interest may make the use of family members especially children, friends or other informal interpreters inappropriate. Extension may not require, suggest or encourage an LEP person to use friends or family members as interpreters; however, if an LEP individual declines interpretation services they have the right to use a family member or friend.

1. Identify any positions/roles currently staffed by bilingual employees or volunteers.
2. Identify any fee-for-service providers or agreements with local government agencies and community organizations.

Within the oral interpretation portion of the template identify any positions or roles currently staffed by bilingual employees or volunteers as well as any fee-for-service providers or agreements with local government agencies and community organizations.

Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

Next the template covers written language translation services. Translation is the replacement of a written text from one language or the source language into an equivalent written text in another language or the target language

Vital Documents

- Applications
- Consent Forms
- Complaint Forms
- Written tests for license, job or skill where knowing English is not required
- Letters/notices pertaining to eligibility for benefits
- Letters/notices pertaining to rights
- Documents that must be provided by law
- Letters/notices pertaining to the reduction, denial, or termination of services or benefits
- Letters/notices that require a response
- Letters/notices as part of emergency preparedness or risk communications
- Notices regarding the availability of free language assistance services

Review the information on vital documents.

SAFE HARBOR PROVISIONS

Size of Language Group	Written Language Assistance Required
1,000 or more of the eligible population	Translated vital documents
5% or more of the eligible population and 50 or more in number	Translated vital documents
5% or more of the eligible population and less than 50 in number	Translated written notice of right to receive free oral interpretation of documents
Less than 5% of the eligible population and less than 1,000 in number	No written translation is required

And safe harbor provisions

1. Identify vital documents that will be translated locally.
2. Identify vital documents that Extension Administration will be asked to translate.
or
3. Check the box that no written translation is required.

Once you review the written language section, identify vital documents that will be translated locally and statewide documents that you request for Extension Administration or a program area to translate. If vital documents do not need to be translated based on the safe harbor provision, check the box that no written translation is required.

Staff Training



- Staff know about LEP policies and procedures; and
- Staff that have contact with the public are trained to work effectively with in-person and telephone interpreters.

The language access plan includes information on staff training. It's important that once this plan is developed you review the contents with your staff.

Monitoring and Updating



Annual Checklist



Update plan every 5 years or
as needed based on data

You will monitor your plan on an annual basis as you complete the county civil rights internal review checklist. Changes to the plan can be made at anytime but all plans will be updated every 5 years.

Complaints

A complaint of discrimination or harassment can be registered with either NC State University or the US Department of Agriculture 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 including national origin discrimination.

<https://diversity.ncsu.edu/report-a-concern/>

<https://www.usda.gov/oascr/filing-program-discrimination-complaint-usda-customer>

As a reminder, a complaint of discrimination or harassment can be registered with either NC State University or the US Department of Agriculture by any person, employee, program or activity participant, job applicant, visitor, volunteer, and so forth who has reason to believe that they have been subjected to or witnessed unlawful discrimination, harassment, or retaliation including national origin discrimination. The contact information for NC State and USDA are included in the plan.

Resources

NC STATE

EXTENSION

<https://evaluation.ces.ncsu.edu/civil-rights/>



LEP.gov limited english proficiency



NIFA

<https://www.nifa.usda.gov/civil-rights/equal-opportunity-civil-rights>

A number of resources are available to you and your staff including the NC State Extension civil rights webpage, [lep.gov](https://evaluation.ces.ncsu.edu/civil-rights/), and the USDA NIFA equal opportunity and civil rights page. You may also contact NC State Extension Evaluation & Accountability at any time with your questions.