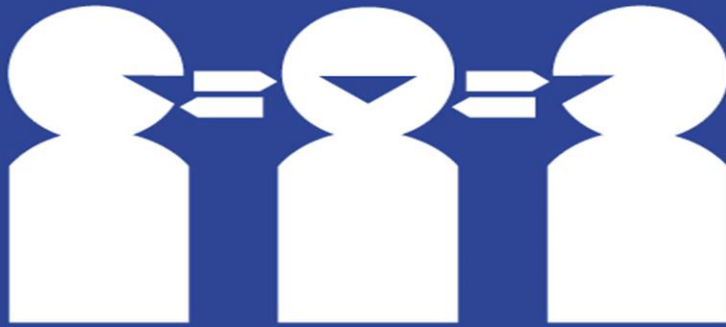


Attachment 5

2011

LIMITED ENGLISH PROFICIENCY



Interpreter

This toolkit is a performance support aid used in training and is not intended as a legally sufficient instrument or as an expression of any agency's or department's policy.

NIFA EOS
USDA
4/14/2011

Limited English Proficiency Tool Kit

This tool kit is designed to help recipients of federal financial assistance identify the language barriers that preclude meaningful access to program services by limited English proficient (LEP) persons. Its purpose is to help recipients develop and implement LEP plans that improve program accessibility in critical areas for LEP individuals. According to the Department of Justice's LEP implementation guidance, language can be a barrier where it is important to be able to:

- understand and exercise important rights (voting or filling out an application)
- comply with responsibilities (paying taxes)
- understand information provided by federally funded programs and activities (safety training, information that increases crop yields, nutrient management instruction)

USE FOUR FACTORS TO DETERMINE HOW TO TARGET RESOURCES ¹

The U.S. Department of Justice guidance suggests applying *four factors* to make an assessment and plan how to “reasonably” address barriers posed by language.

1. The number or proportion of LEP persons in target or eligible population
2. Frequency of contact (daily, monthly, occasional, etc.)
3. Nature and importance of program or activity (“life and death” vs. general or extracurricular information)
4. Resources available to implement LEP and costs (small organization vs. large one; and, overall budget and resources of institution)

¹ Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency; Policy Guidance. Federal Register/Vol. 65 no.159/Wednesday, August 16, 2000/Notices.

While the Department of Justice allows flexibility in response to LEP needs based on each entity's resources, it urges providing "meaningful access" based on "identifying Individuals who need language assistance."²

ONE MEASURE OF "REASONABLENESS" OR DISCRIMINATION UNDER TITLE VI IS TO CONSIDER HOW MANY PEOPLE WILL BE EXCLUDED FROM PROGRAM SERVICES IF LANGUAGE BARRIERS ARE NOT REMOVED.

Any LEP plan should have contingencies for serving even one or two people, if the nature or importance of the information is legal, medical, health or safety-related, or involves securing eligibility or applying for a program such as EFNEP.

Some of the deficiencies that led President Clinton to enact Executive Order 13166 mandating federal agencies to address Limited English Proficiency were people being excluded from program benefits because they couldn't read application forms or public notices; or, because they couldn't understand what was being said in legal proceedings about their rights.

WHO'S OUT THERE? THE LEP TARGET POPULATION

Starting from the most accurate data you can find, determine the size and location of the population that needs LEP services. Consult the latest Census data (including the Census Bureau's American Community Survey Five Year Estimates to zero-in on specific social characteristics). *You may use more accurate community and/or institutional data to assess where LEP needs lie in your local area.*

Using the race and ethnicity data from the U.S. Census Report **DP-1 "Profile of General Demographic Characteristics,"** see how many Asians and Hispanics were counted by the Census in a county. Note that this is a question about race and ethnicity and many of these individuals may speak English as their first (and only) language.

² Department of Justice Limited English Proficiency Guidance, Final Guidance on Limited English Proficiency Implementation, June 18, 2002. www.justice.gov/crt/about/cor/lep/DOJFinLEPFRJun182002.php

The **DP-2 “Profile of Selected Social Characteristics”** gives a more detailed picture regarding language and who may be bilingual, speaking a language other than English, or speaking only English. Other factors available in the DP-2 are:

- How many grandparents are taking care of children living in their households
- The number and percentage of foreign-born residents
- The language spoken at home
- How well people report speaking English

It is useful to know how many **grandparents** are taking care of grandchildren at home, because grandparents typically continue to speak their native language rather than adopting English.

In general, it’s useful to know the percentage of “Region of Birth and **Foreign Born**” and to have some idea of the relative proportion of native-only speakers in the population. According to the Pew Hispanic Center’s research, the number of Spanish speakers born in Latin America indicates a population likely to have a higher proportion of “Spanish-speaking only” individuals.³ Texas (83 percent) and California (84 percent) have higher numbers of Hispanics of Mexican descent.

Origins of Latinos

Depending on which state they have settled in and which country they came from Latinos/Hispanics are more likely to maintain ties with their home country. They routinely send money home, visit their country of origin, or return there to live. All these factors may be tied to a greater or lesser tendency to retain their culture and language rather than becoming more “Americanized.” More Latinos in California and Texas are more likely to have been born in the United States than Latinos in Florida, New York and New Jersey.⁴

³ *Survey Brief: Latinos in California, Texas, New York Florida, and New Jersey*. Derived from The 2002 National Survey of Latinos, the Pew Hispanic Center, Washington, D.C. March, 2004.

⁴ *Ibid*, pps. 1 and 6.

The Census collects data on 39 languages. They report data on English plus 4 major languages or language groups on the DP-2. There are other language tables developed in the two years after the initial data release that detail 9 languages (Table C-16001) and all 39 languages (Table B-16001). These tables give necessary detail on the numbers of people speaking Asian languages like Thai or Vietnamese; or, Indo-European languages like Russian or Polish.

DP-2 Profile of Selected Social Characteristics

Language Spoken at Home **Bexar County 2000 Census**
Population 5 Years and Older

English only.....	729,268	56.8
Language other than English...		
Speak English less than “very well”....		
Spanish.....	517,887	40.3
Speak English less than “very well”.....	177,858	13.9
Other Indo-European languages....		
Speak English less than very well....		
Asian and Pacific Island languages.....	14,861	1.2
Speak English less than “very well”.....	6,564	0.5

The language question items break down on the more detailed tables to “not well” and “not at all. “ You may view the Census Bureau’s estimated 5-Year, American Community Survey tables to see how many people in your county responded in those categories.

These tables are available by language group and by race or ethnicity. While you should use any estimate with caution, (estimates can’t be used for funding or legal purposes) these are useful for planning purposes. The margin of error numbers are given next to the estimated population numbers: deduct these to get the “lowest possible” estimate, or use a range.

B16006. LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER (HISPANIC OR LATINO) - Universe: HISPANIC OR LATINO POPULATION 5 YEARS AND OVER

Data Set: [2005-2009 American Community Survey 5-Year Estimates](#)

	Brazoria County, Texas		Fort Bend County, Texas		Harris County, Texas	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Total:	67,425	*****	107,060	*****	1,321,133	*****
Speak only English	19,764	+/-1,356	24,976	+/-1,739	196,043	+/-4,539
Speak Spanish:	47,554	+/-1,363	81,816	+/-1,743	1,122,490	+/-4,591
Speak English "very well"	28,750	+/-1,337	48,751	+/-1,756	498,404	+/-5,946
Speak English "well"	8,112	+/-712	15,042	+/-1,148	218,076	+/-3,782
Speak English "not well"	6,488	+/-727	11,368	+/-1,037	247,967	+/-4,031
Speak English "not at all"	4,204	+/-684	6,655	+/-828	158,043	+/-4,109
Speak other language	107	+/-59	268	+/-218	2,600	+/-628

Source: U.S. Census Bureau, 2005-2009 American Community Survey

This table has been sorted to show three adjacent counties where services might be clustered to gain efficiencies of scale. By analyzing these areas together, more cost-effective regional programs, partnerships, collaborative work and service delivery can be considered.

A favorite table used by Extension faculty is the **State and County Quick Facts**. Quick Facts is updated annually with a population estimate, with a percentage demographic breakdown using the Office of Management and Budget Categories. It details the following social characteristics related to LEP:

1. Living in the same house (year) and (year) 5 yrs and older.
2. Foreign born persons percent (year)
3. Language other than English spoken at home, pct age 5+, (year)

Quick Facts summarizes factors from other detailed tables, according to the U.S. Census, that may be used to estimate population based on characteristics such as the proportion that remain native-speaking (e.g., percent foreign-born). QuickFacts also includes information about income, employment, households, housing, and farms. One caution, QuickFacts expresses most of its data in percentages: it's wise to compute the actual numbers.

WWW.QUICKFACTS.GOV

QUALITATIVE DATA FROM PEW HISPANIC CENTER'S NATIONAL SURVEY OF LATINOS


The Pew Hispanic Center conducted a national landmark survey of Latinos after the 2000 Census to study the issues around language acquisition and the English and Spanish speaking abilities of Hispanic Adults in America.

“According to the 2002 National Survey of Latinos, 46 percent of Hispanic adults speak both English and Spanish, meaning they report an ability to carry on a conversation in either English or Spanish at least “pretty well.” About 40 percent are largely Spanish speakers, and 14 percent are largely English speakers. Almost all (97%) Latinos who speak only Spanish were born in a foreign country or in Puerto Rico.”⁵

Once you know how many people in your county speak Spanish, how do you determine what proportion is limited in English proficiency? Keep in mind that a large population of Hispanic/Latino residents does not, in itself, mean you need a proportionately large LEP effort.

Factors to consider are:

- how long that population has been there (how many generations)
- how many are foreign born
- what proportion of the population are in the labor force
- their age when they arrived

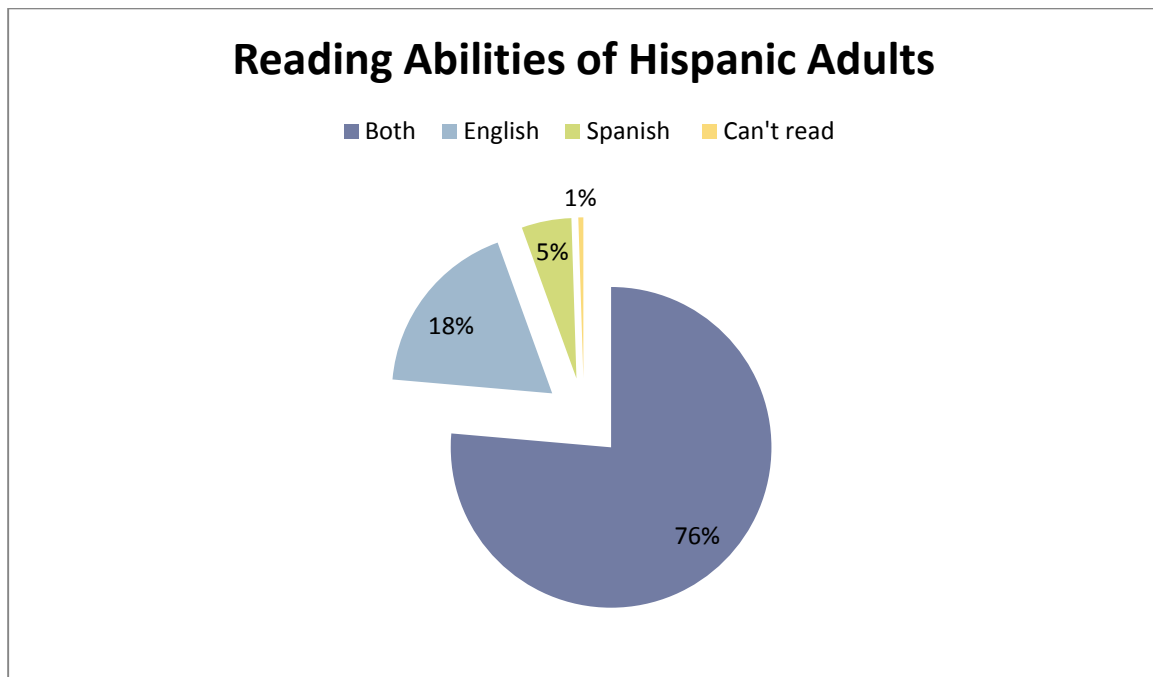


A large population of Latino residents does not, in itself, mean you need a proportionately large LEP program.

In densely populated Hispanic areas there will be large numbers of bilingual speakers, and even English-only speakers, depending on these factors. All these factors must be assessed when writing an LEP plan and deciding how to fund it. New arrivals, foreign-born individuals, and older extended family members may be in greater need of services.

⁵ Survey Brief: *Bilingualism*, p.2. Derived from The 2002 National Survey of Latinos, the Pew Hispanic Center, Washington, D.C. March, 2004.

While the Pew National Hispanic Survey focused on *speaking ability*, it asked a few questions about reading, such as which languages adults preferred to read in, and whether or not they were literate in their native language. It asked all respondents whether they read “pretty well or very well” and in Spanish or English.



18 percent of the Pew Survey respondents read only English “pretty well or very well”
5 percent read only Spanish “pretty well or very well”
1 percent was unable to read either language
75 percent of bilingual speakers read both languages

SOME NATIVE-SPEAKERS DON'T READ THEIR NATIVE LANGUAGE. SOME MAY NOT READ ENGLISH— PARTICULARLY NEW ARRIVALS, THE OLD, AND THE POOR.

A MAJOR FINDING OF THE SURVEY WAS THAT, *BY THE SECOND GENERATION*, LATINOS WERE PREDOMINANTLY BILINGUAL (74 PERCENT) OR ENGLISH-SPEAKING (21 PERCENT), WITH 6 PERCENT REMAINING ONLY SPANISH-SPEAKING.

BILINGUAL SPEAKERS REPORTED TO THE PEW SURVEYORS THAT THEY PREFER TO GET THEIR NEWS IN ENGLISH AND THAT “THEY HAVE A DECIDED PREFERENCE FOR MANUALS AND PRODUCT INFORMATION WRITTEN IN ENGLISH.”⁶

This information has a decided impact on budgetary planning for delivering LEP services. When you are planning to translate educational materials, be sure to ask your clientele about their preferences.

Migration and nativity statistics assume great importance in projecting LEP service delivery. How new is the immigrant or non-English speaking population?

HOW TO FORMULATE A SIMPLE POLICY

While you can attempt to operate without one, it is prudent to develop a LEP policy that outlines a purpose, operational goals, and basic procedures your organization will follow to implement an LEP plan.

A policy defines which languages will be included, which organizational units will be involved in carrying out the policy and which responsibilities will fall to various units and individuals. It would detail how needs would be determined; how funding would be established and allocated; and, how the implementation will be evaluated and revised.

The Department of Justice outlined the key elements of an LEP plan in its Final Guidance on Limited English Proficiency: language assistance measures will need to be defined first. What will need to be offered to assist LEP persons to gain access your programs?

⁶ *Ibid*, p.3.

ELEMENTS OF LEP PLAN**DETERMINE LANGUAGE MEASURES**

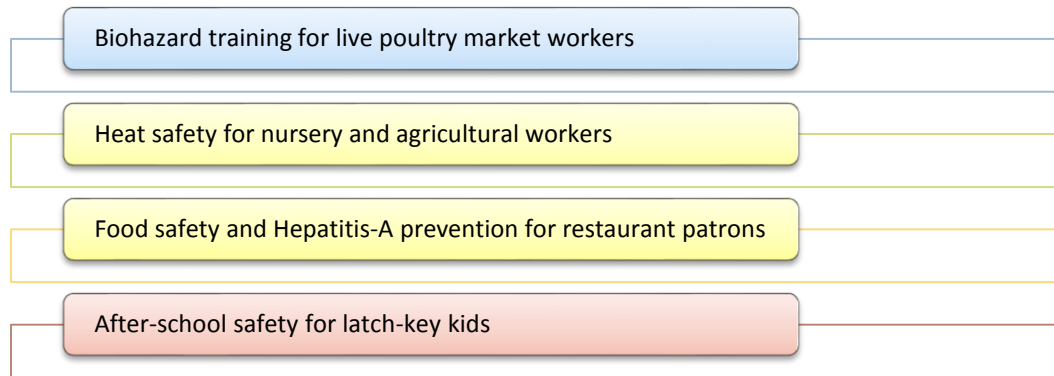
Language measures might include telephone interpretation/relay, web/internet access in multiple languages, interpretation for visitors to program-specific public access points or offices, and access to other program services such as publications. Staff will need training to deliver these services. Interpretation and translation will need to be of sufficient quality to ensure the program will be delivered at a level equal to that for English speaking participants, and LEP persons will need notification that the services/programs are available to them.

DETERMINE SCOPE AND SET PRIORITIES

An LEP policy sets forth the scope that Extension faculty use to determine which language(s) will be the focus of LEP efforts and what kinds of subject matter will be given priority for translation if materials can't be found elsewhere.

There may be something specific happening, such as the hottest summer on record, or an Avian Flu pandemic that brings certain projects to the fore for translation efforts. Make sure there is flexibility in your plan and budget to respond quickly to these emergencies or "hot topics."

EXAMPLES OF LEP SUBJECT MATTER FROM EXTENSION AND RESEARCH PROGRAMS



All program areas will likely have subject matter that falls under the categories for LEP consideration. Look first for translated materials from other sources; form collaborative partnerships with other states or agencies as a way to share costs; and, recruit bilingual volunteers for translation of materials and to help deliver programs, following DOJ guidelines to control the quality of translation services.⁷

BUDGET AND EXPANSION PLANS

It's a good idea to consider your first few LEP projects as start ups: track the results and who you reach with these programs. Use that data to attract funding when you apply for future grants or other support.

One approach is to take a worthy project and add a Spanish-speaking component to it. Produce educational materials in two languages and perhaps another set with lots of illustrations and simple captions (in Spanish and English) for a low-literacy audience. Collect impact and demographic contact data on the program(s) you use these materials for. When you apply for a grant or propose another project you can refer to your success with this project to illustrate how you would execute a similar one for other LEP audiences; or, you can expand the original program and add other languages and formats, such as Vietnamese or downloadable audio-files.

⁷ Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency; Policy Guidance. Federal Register/Vol. 65 no.159/Wednesday, August 16, 2000/Notices.

INFORMAL MEDIA AND PUBLIC NOTIFICATION

Ensure that your public notification statements are available (long and short form) in Spanish and any other targeted language and that bilingual presenters at programs post *and* read the short statement out during the program. All public notification statements should be available in the Central Civil Rights File (and electronically), in all formats and languages. Statements should state that program materials “may be available in other formats and languages” upon request.

PUBLISHING, MEDIA, AND LEP

Formal publishing is a challenging area for LEP implementation because these publications may be tied to reward systems—not only tenure, but intellectual property and copyright. Finding ways to collaborate on projects with faculty in other institutions, departments, or at other agencies may be a one way to increase publications in target languages.

The federal government can be another source for publications because their publications are considered public information rather than individual intellectual property.

Electronic publishing is easing the way for different formats; especially friendly formats for deaf, hard-of-hearing, and blind or partially-sighted clientele. Media delivered via the web is more accessible to many disabled people, in multiple formats, so that efforts to address Limited English Proficiency needs often move right into the area of communication accommodation for disabled clients.

For detailed information on broadband and web access and Hispanics/Latinos see reference to the Pew Hispanic Center’s study *Latinos Online* in the Bibliography.

NATIONAL ORIGIN, LANGUAGE, AND PROGRAM ACCESS

Since language is inextricably linked to national origin, Title VI of the Civil Rights Act of 1964 and USDA’s 7 CFR Part 15 offer protection against discrimination based on national origin. LEP accommodation allows access to programs to those for whom English is a second language or those who have not yet learned English. For most communities, these accommodations are a critical, but temporary, need. Initiating an LEP plan with an evaluation component and budget are the first steps to building a successful LEP program.

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