

## RESOURCES

[USDA Rural Development Civil Rights | USDA Rural Development](#)

U.S. Census Bureau  
[www.census.gov](http://www.census.gov).

Census Tract Map  
<https://www.census.gov/geo/maps-data/maps/2010tract.html>

American FactFinder/To obtain B16001 data set for LEP persons  
[American FactFinder](#)

Limited English Proficiency website  
Executive Order 13166  
<http://www.lep.gov/13166/eo13166.html>

LEP Mapping Tools  
**Mapping LEP Populations in Your Community**<https://www.lep.gov/maps/>  
-Choose State  
-Choose County-level, number  
[2012 Language Map App - Accessible Alternative](#)  
  
[2012 Language Map App](#)

USDA Rural Development  
Limited English Proficiency (LEP)  
Implementation Strategy for  
Federally Assisted Programs  
**Step by Step Guide:**  
<http://www.rd.usda.gov/files/RDLEPImplementationStrategyforFederallyAssistedPrograms.pdf>

# LEP Four Factor Analysis “Quick Guide”

Provides the framework for creating the Language Access Plan

## **FACTOR 1 – Number & Proportion of LEP in Service Area**

- Prior experiences with LEP persons-look at existing customer base, LEP population
- Data from U.S. Census Bureau, mapping tool, – population by language in service area
  - Identify languages spoken
- Analyze data and outreach to targeted populations

### U.S. Census Data (American Factfinder)

-Advanced Search> show me all

1. Type “B16001” in topic or table name B16001 – select “Language Spoken at Home by Ability to Speak English.

-click on B16001 Language Spoken at Home by the ability to speak English 5 years.

2. Next, select Geographies

-select geographic type—(either: state, county, **census tract**, block group) – [<https://www.census.gov/geo/maps-data/maps/2010tract.html> for **census tract** map see attachment and use the link here].

-highlight geographic areas

-click “Add to your selections”

- x out of geographic box when finished

3. Click on “GO” enter the report to open it.  
of LEP individuals

## **FACTOR 2 – Frequency with LEP persons**

Factor 2 – Step 1: Review assisted programs, activities, and services provided as well as results from talking to community organizations.

- Based on Factor 1- what programs, activities and services do LEP persons come in contact with.

Factor 2 – Step 2: Consult directly with LEP individuals

- Partner with community organizations that have contact with LEP persons.

Factor 2-Step3: Identify the most critical services of the RD funded program. The more important the activity, information, service or program, or the greater possible consequence of contact to LEP individuals, the more likely language services are needed.

- For example, the obligation to communicate rights to an LEP person requiring rental assistance differs from the responsibility to provide intermediary business lending.
- Recipients must determine if denial or delay of a service or information could have serious or life-threatening implications for LEP persons.

## **FACTOR 3- Importance of program services/activities to the LEP persons**

To determine the importance of the types of services provided to LEP populations consider the following:

- Identify the services recipient provides
- Review prior experience with LEP persons
- Gather input from community organizations and LEP persons.

## **FACTOR 4 – Resources available and costs**

- Identify and inventory current LEP resources
- Determine additional resources needed
- Analyze budget
- Implement cost effective practices
  - Language Services are to be provided free of charge.

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# Language Access Plan (LAP)

Using the Four-Factor analysis results, develop a Language Access Plan (LAP) and an implementation plan to address the needs of the LEP population served using the following six elements:

- 1). Identifying LEP individuals who need language assistance
  - One way to determine language of communication is to use the (I Speak) cards (*see attachment in left side panel of this PDF*)
  - Use U.S. Census data collected in the Four – Factor analysis
  - Describe the frequency LEP individuals come in contact with services provided.
- 2). Provisions for language assistance measures (Describe the ways language assistance will be provided to LEP individual/population):
  - Types of language services available
  - How recipient staff can obtain services
  - How to respond to LEP callers
  - How to respond to written communication from LEP persons
  - How to respond to LEP individuals who have in-person contact with program staff
  - How to ensure competency of interpreters and translation services
- 3). Staff training (An LAP plan must include a training component to ensure):
  - Staff members are knowledgeable of LEP policies and procedures.
  - Staff members in contact with the public are trained to work effectively with person and telephone interpreters.
- 4). Notices to Identified LEP persons or Populations to provide language services free of charge (Methods of notification may include):
  - Posting signs in intake areas (entry points)
  - State in outreach documents language services are available, i.e. brochures, booklets, local newspaper, radio/television website
  - Provide presentations or notices to schools and religious organizations.
  - Work with community-based organizations/stakeholders to inform LEP individuals of the recipient's services availability of language assistance.
- 5). Vital document translations (refer to "Safe Harbor" conditions identified in (attachment 1) table to show strong evidence of compliance with written translation obligations under Title VI) refer to LEP Implementation Strategy for Federally Assisted Programs (Step by Step Guide).
  - Safe Harbor provisions apply to the translation of written documents only and do not affect the requirement to provide meaningful access to LEP persons where oral language services are needed and are reasonable.
- 6). Means to monitor and update the plan - to measure and maintain the effectiveness of a language access plan, recipients shall monitor, evaluative and update, as needed the plan's policies and procedures. **Refer to LEP Implementation Strategy for Federally Assisted Programs (Step by Step Guide).**

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Attachment 1 (LEP Vital Documents “Safe Harbor” provision for translation of vital written materials (2016)

Size of Language Group	Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
5% or more of the eligible population or beneficiaries <i>and</i> 50 or more in number	Translated vital documents
5% or more of the eligible population or beneficiaries <i>and</i> fewer than 50 in number	Translated written notice of right to receive free oral interpretation of documents
Less than 5% of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required

Failure to provide written translations under the cited circumstances does not mean the recipient is in noncompliance. Rather, the “Safe Harbor” provision provides a starting point for recipients to consider:

- Whether, and at what point, the importance of the service, benefit, or activity involved warrants written translation of commonly used forms into frequently encountered languages other than English?
- Whether the nature of the information sought warrants written translation of commonly used forms into frequently encountered languages other than English?
- Whether the number or proportion of LEP persons served warrants written translation of commonly used forms into frequently encountered languages other than English?

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