



United States Department of Agriculture
Natural Resources Conservation Service

Civil Rights Division

Limited English Proficiency (LEP) Handbook

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TABLE OF CONTENTS

CONTENTS	PAGE
I. INTRODUCTION.....	3
A. Overview.	
B. Who is a Limited English Proficient Person?	
C. Who should use this handbook?	
D. Relevant Legal Authorities.	
II. APPLYING THE FOUR-FACTOR FRAMEWORK.....	4
A. Assessing the number and proportion of LEP persons served or encountered in the eligible service population.	
B. Assessing the frequency with which LEP individuals come into contact with the program, activity, or service.	
C. Assessing the nature and importance of the program, activity, or service provided by the program.	
D. Assessing the resources available to the recipient and costs.	
III. CONCLUSION.....	6
IV. SUGGESTED ACTIONS TO IMPROVE LEP SERVICE.....	7

(SECTION I)

INTRODUCTION

A. Overview

On August 11, 2000, former President William J. Clinton issued Executive Order (EO) 13166 that was entitled, “**Improving Access to Services by Persons with Limited English Proficiency**” (LEP). The overall objective of EO 13166 is to improve individuals with LEP access to federally conducted and federally assisted programs and activities. The Department of Justice (DOJ) LEP Guidance also provides agencies with a framework to assess agencies’ LEP service. This handbook provides NRCS with suggestions on how to service LEP persons.

Limited English Proficiency (LEP)

B. Who is a Limited English Proficient Person?

People who don’t speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be Limited English Proficient, or “LEP.” These individuals may be entitled to language assistance with respect to a particular type of service or benefit.

C. Who should use this handbook?

NRCS’ staff responsible for ensuring that their respective organizational area provide language assistance to LEP persons. NRCS’ staff will likely need to share suggestions given in the handbook with their partner organizations (Resource Conservation Districts & Soil & Water Conservation Districts). Recommendations and resources in this handbook are given to assist NRCS staff to apply DOJ’s four-factor framework for determining an appropriate mix of language assistance. Information in this handbook is advisory in nature for NRCS staff, and is not USDA policy, recipient guidance, or used for reporting requirements.

D. Relevant Legal Authorities

- **Title VI 1964 Civil Rights Act** *"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."* 42 U.S.C. § 2000d.
- **Executive Order 13166** “Improving Access to Services by Persons with Limited English Proficiency.” Issued on August 11, 2000, by former President William Clinton.

(SECTION II)

APPLYING THE FOUR-FACTOR FRAMEWORK

A. Overview

NRCS' staff responsible for ensuring that their respective organizational areas provides language assistance to LEP persons, should assess their current protocol to ensure the effectiveness of service support to LEP persons.

The Department of Justice's (DOJ) LEP guidance provides agencies with four factors to consider in assessing their LEP service support protocol; those factors being:

1. The number of LEP persons in the eligible service population or likely to be encountered in recipient activities and programs;
2. The frequency with which LEP individuals come into contact with the program;
3. The importance of the program or service being provided; and
4. The resources available to the recipient of the federal funds.

Factor 1: Determine the Number and Proportion of LEP Persons Served or Encountered in the Service Area.

NRCS' staff should:

Examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed.

- Seek and examine demographic information regarding minority populations and foreign languages predominantly spoken in the service. Such information may be attained from the U.S. Census, school systems, community organizations, and local governments.

Factor 2: Determine The Frequency with Which LEP Individuals Come into Contact with NRCS Programs, Activities, and Services.

NRCS' staff should:

- Assess, as accurately as possible, the frequency with which they have, or should have contact with LEP individuals from different language groups seeking assistance. This information should be gathered from NRCS' staff personnel who interact with customers daily.

- Consider the frequency of different types of language contacts. For example, the State of Texas is highly populated with Hispanic individuals. If U.S. Census data indicated a high percentage of Hispanic individuals with limited ability to speak and/or read English in the State of Texas, it is likely that NRCS Texas would have more frequent contact with those individuals. Frequent contacts with Spanish-speaking people who are LEP may require certain/various assistance in Spanish dialects. Less frequent contact with different language groups may suggest a different and/or less intensified solution.

Factor 3: Determine The Importance to LEP Persons of Your Program, Activities and Services.

NRCS' staff should:

- Identify the programs, services, or activities that would have a serious consequence if language barriers prevented LEP person's access to them. For example, a serious consequence may apply to areas that are responsible for providing critical information that regarding NRCS' federally assisted programs.
- A determination should be made as to the impact on actual and potential services to LEP beneficiaries. For example, if an LEP individual in a respective service area did not understand and/or have knowledge of the NRCS' Emergency Watershed Protection Program, and the soil on the individual's property was eroding due to water runoff retardation; this may lead to critical change such as flooding and threaten the property and safety of individuals living on an adjoining property. This type of impact would be prolonged if the individual is LEP and the service area is not equipped/prepared to handle an LEP individual.

Factor 4: Determine the Resources Available to the Recipient and Costs.

This last step in the four-factor analysis allows an area to weigh the demand for language assistance against the organization's current and projected financial and personnel resources. This analysis should help you determine if the language services it currently provides are cost effective, and should also help the organization plan future investments that will provide the most needed assistance to the greatest number of LEP persons within the limits of organization resources.

NRCS' staff should:

- Carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.
- Determine the costs associated with translating documents, contracting with language interpreters, producing pictographs, installing multilingual technology,

and other language assistance measures your organization may take or plan to implement. Resource and cost issues, however, can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and Federal organizations.

(SECTION III)

CONCLUSION

NRCS is committed to improving access to programs and activities in which a substantial number or proportion of the persons whom we provide service to are LEP. The recommended Four-Factor Analysis should help staff develop new language assistance services or enhance the mix of services currently provided. What specific steps should be taken will depend on information obtained from the 2000 Census, data from fieldwork with LEP individuals and the organizations that serve them, and from the analysis of the cost for providing language assistance.

The following section of this handbook gives a listing of suggested actions that could be taken to improve LEP service support in NRCS.

(SECTION IV)

SUGGESTED ACTIONS TO IMPROVE LEP SERVICES

1. Ask employees to keep track of the languages they encounter on the job.
2. Check with the school board, individual schools, religious organizations, legal aid organizations, and ethnic community organizations to ensure that you are not undercounting LEP populations in your service area. To find data regarding a community's LEP population, log on to the demographics section of www.LEP.gov, or the census Web site at www.census.gov/population/cen2000/phc-t20/tab04.pdf.
3. Survey staff for bilingual employees and determine whether such employees can communicate with LEP individuals in their primary language, or assist in interpretation and translation service. Actively recruit bilingual staff and consult with Human Resources for consideration of pay differentials for employees performing double duty.
4. Locate and enlist free resources. Determine the willingness of community volunteers to assist in the interpretation and translation effort or alternatively, to participate in a fee-for-service arrangement.
5. Log on to www.lep.gov for a variety of online resources.
6. Utilize and make available to employees "I Speak ___" language identification flashcards. (These flashcards, compiled by the Census Bureau, will enable you to identify the language of Literate LEP individuals with whom they come into contact.)
7. Create a guide identifying interpreters and translators, as well as, the bilingual employees and community volunteers mentioned above, including languages spoken, competence level, contact information, and hours available.
8. Design a Language Assistance Standard Operating Procedure (SOP) after conducting the four-factor analysis. Distribute the SOP to all staff. The SOP should explain how employees can access interpretation and translation services, the different types of services to be used in various situations (for instance, when to use telephonic interpreters, bilingual staff, community volunteers, or professional in-person interpreters), and what translated forms are available.
9. Conduct periodic training on language assistance measures. Explain how to access language services.
10. Provide a recorded message in the most commonly spoken languages in your service area explaining how callers can obtain language assistance. Post this number at gathering spots where ethnic community members may congregate.
11. Factor language resource costs into your budget and planning process. Include interpreter and translator costs in grant applications.

12. Conduct outreach clinics at popular gathering spots to build trust with the different members of your community.
13. Translate vital forms, including Civil Rights literature into commonly spoken LEP languages.
14. Assemble an LEP toolkit. Possible contents include the following:
 - The LEP SOP.
 - The number and access code of the telephonic interpretation service.
 - “I Speak ___” language identification flashcards.
 - The directory of interpreters, bilingual officers, and other language resources.
15. Post signs in widely spoken languages advising LEP community members who enter the facility.