



# Developing a Language Access Plan

## Information for Federally Conducted and Funded Programs

### Introduction

In 2010, approximately 25 million people in the United States over the age of 5 were considered Limited English Proficient (LEP). This was 80% higher than in 1990. Spanish was the top language spoken by LEP individuals. Title VI of the Civil Rights Act of 1964 and Executive Order 13166 requires that all federally funded programs and services provide meaningful language access to LEP individuals. The mandate requires that federally funded organizations and agencies have plans and procedures in place to be able to effectively comply with regulations. This document provides basic information regarding directives, plans and procedures needed to establish a language access program. In order to successfully set forth a language access plan, an individual (Language Coordinator, Language Access Specialist, etc.) should be designated to direct and coordinate all language access efforts. This individual should work with a committee to oversee policy directives, implementation of procedures, and review the plan periodically to make modifications that reflect current needs.

### Directives

Language access policy directives set forth the operating principles that govern and guide institutional delivery of linguistically appropriate services. Below are two samples that can be adapted to fit any organization.

#### *Sample 1*

"It is the policy of (**name of your organization here**) to provide timely and meaningful access for LEP persons to all organization's programs and activities. The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for organization's personnel to follow when providing services to or interacting with Limited English Proficient individuals. Following these guidelines is essential to the success of our mission which is to (**insert your mission here**). The language assistance shall be free of charge to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the organization will provide these services to them."

#### *Sample 2*

"It is the policy of this agency to provide timely meaningful access for LEP persons to all agency programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the agency will provide these services to them."

## The Language Access Plan

The language access plan is the blueprint that outlines how the organization will comply with language access requirements. It allows a language access system to be in place with processes that include the organization's policy directives and information on the following components:

- Identification and assessment of LEP communities
- Identification of funds
- Notification of language assistance services to LEP individuals
- Training of staff on policies/procedures
- Monitoring and evaluation of plan
- Collaboration with LEP communities and stakeholders

In determining delivery of service, organizations should utilize the Four-Factor Analysis. The Four-Factor Analysis consists of:

1. Number/proportion of LEP individuals eligible to be served
2. Frequency of assistance needed
3. Nature and importance of program, activity, service to people's lives
4. Resources available to grantee/recipient

## Procedures for Implementing the Language Access Plan

A well thought out plan will clearly outline procedures that everyone in the organization should know in order to provide language services, gather data, and deliver services to LEP individuals successfully. Consideration of the questions below will ensure that any gaps in the delivery are addressed appropriately.

- How will staff respond to telephone calls from LEP individuals?
- How will staff track and record language preference information?
- How will staff inform LEP individuals about available language assistance services?
- How will staff identify the language needs of LEP individuals?
- How will staff respond to correspondence from LEP individuals?
- How will staff procure interpreter services—in person, via telephone, or video?
- How will staff obtain translations of documents?
- How will staff process language access complaints?

## Sources

Federal Interagency Working Group on LEP. (2011) Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs. Retrieved from [http://www.lep.gov/resources/2011\\_Language\\_Assessment\\_and\\_Planning\\_Tool.pdf](http://www.lep.gov/resources/2011_Language_Assessment_and_Planning_Tool.pdf)

Pandya, C., Batalova, J. & McHugh, M. (2011). Limited English Proficient Individuals in the United States: Number, Share, Growth, and Linguistic Diversity. Washington, DC: Migration Policy Institute.

## Definition of LEP

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

## Title VI

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

LEP individuals should have meaningful access to federally conducted and funded programs and activities.

## Complaints

The Civil Rights Division is the primary institution within the federal government responsible for enforcing federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin. 202-514-4609 (voice) 202-514-0716 (TDD) <http://www.justice.gov/crt/publications/natorigin2.php>

The University of Kentucky College of Agriculture, Food and Environment supports language access and diversity initiatives in a variety of ways, including trainings and workshops; recruiting diverse students, faculty and staff, providing technical advice; enhancing interpersonal and professional development; and providing financial support. The University of Kentucky College of Agriculture, Food and Environment is committed to a diverse and inclusive college where all members feel valued through our programs, policies, and services.

The University of Kentucky College of Agriculture, Food and Environment's Limited English Proficiency (LEP) Plan is a publication provided by the Cooperative Extension Service.

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# *It starts with us*

## COOPERATIVE EXTENSION



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Educational programs of Kentucky Cooperative Extension serve all people regardless of economic or social status and will not discriminate on the basis of race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, age, veteran status, or physical or mental disability. UNIVERSITY OF KENTUCKY, KENTUCKY STATE UNIVERSITY, U.S. DEPARTMENT OF AGRICULTURE, AND KENTUCKY COUNTIES, COOPERATING



# Limited English Proficiency (LEP) Plan

The University of Kentucky, is a public, 1862 land-grant institution that is committed to a diverse and inclusive college where all members feel valued through our programs, policies, and services. Diversity is a driving force in our service to stakeholders in the Commonwealth of Kentucky.

As recipient of federal financial support, University of Kentucky Cooperative Extension Service (CES) has a responsibility, under Executive Order 13166 and Title VI of the Civil Rights Act of 1964 to make reasonable efforts to ensure that individuals who have limited English proficiency have meaningful access to federally funded educational programs and activities. A Limited English Proficient (LEP) person is an individual who does not speak English as his/her primary language and who has limited ability to read, speak, write, and understand English.

University of Kentucky CES is committed to affording and expanding meaningful access to federally funded educational programs and activities to eligible LEP persons. CES will conduct periodic assessments that will identify significant need programs and ways to provide language assistance to LEP persons. The assessment will include, but not be limited to, latest census information, data from local school systems and /or community organizations serving LEP clients, data from local and state governments, and an analysis of the four factors outlined below:

1. Number or proportion of LEP individuals eligible to be served or that is likely to be encountered by the program.
2. Frequency with which LEP individuals come in contact with the program.
3. Nature and importance of the program, activity, or service provided by the program to people's lives.
4. Resources available to meet the language access obligation.

As a result of the assessment process, the most reasonable method of language assistance to improve access of services will be determined. Careful consideration will be given to assure competency in the delivery of language assistance and services. Competency will be assessed and determined based on experience, credentials, references, understanding of content and cultural accuracy and sensitivity. Language assistance may include but not be limited to:

1. Translation of written materials
2. Interpretation of spoken words
3. Production of audiovisual material
4. Bilingual staff
5. Community volunteers

CES will not rely on web-based translation services as these are many times inaccurate. It will not make use of formal or informal interpretation by minors and will not plan to rely on any form of informal interpretation or translation by LEP person's family members or friends. Where the LEP person chooses to use his/her own interpreter (at his/her own expense) instead of, or as a supplement to the free language service offered, special care will be taken to document that this was a voluntary desire and that competent free language assistance was offered.

LEP persons will be notified of services, changes in services, and complaint procedures. Notification of language services may include but not be limited to:

1. Posting translated signs in areas populated by the LEP persons;
2. Inserting translated notices in recruitment and outreach documents;
3. Disseminating information on media likely to be used by LEP persons (radio, television, newspaper);
4. Collaborating with local organizations to inform LEP persons about services.

CES will provide notice to all staff regarding language access policies and procedures. Faculty, staff, and volunteers working with LEP persons and those who have the potential to come in contact with LEP clients will be required to complete training that will include information on policies, procedures, accessing language assistance services, identifying language needs, working effectively with translators and interpreters, and working with individuals from different cultures.

The LEP Plan will be evaluated, and updated on an annual basis. Documentation of efforts, staff surveys, customer satisfaction surveys, requests to meet language assistance needs, number of LEP persons served, and resources will serve to review and update policy as needed.

### **Questions about the LEP plan should be addressed to:**

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A person who believes that he/she has been discriminated against or denied benefits of federal programs or activities because of race, color, or national origin, including Limited English Proficiency, may submit a complaint to the U.S. Department of Justice, Division of Civil Rights, Federal Coordination and Compliance section. Complaint forms are available at <http://www.justice.gov/crt/compliant/index.php#five>.

#### **U.S. Department of Justice**

950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
(888) 848-5306 – English and Spanish  
(202) 307-2678 (TDD)  
(202) 307-2222 (Voice)

#### **Resources:**

Federal Interagency Working Group on Limited English Proficiency:  
[www.LEP.gov](http://www.LEP.gov)

Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs:  
[http://www.lep.gov/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

Complaint Forms:  
<http://www.justice.gov/crt/complaint/index.php#five>

Executive Order 13166:  
<http://www.justice.gov/crt/lep/13166/eolep.pdf>

GSA Language Services Schedule:  
<http://gsa.gov/portal/content/104610>

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Adapted from Kentucky State University Cooperative Extension Program, Limited English Proficiency Plan as prepared by Nancy Cálix

Educational programs of Kentucky Cooperative Extension serve all people regardless of economic or social status and will not discriminate on the basis of race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, age, veteran status, or physical or mental disability. UNIVERSITY OF KENTUCKY, KENTUCKY STATE UNIVERSITY, U.S. DEPARTMENT OF AGRICULTURE, AND KENTUCKY COUNTIES, COOPERATING