**FOUR FACTOR ANALYSIS**

**ASSESSING**

**LIMITED ENGLISH PROFICIENCY**

**AND**

 **LANGUAGE ASSISTANCE PLAN**

**PREPARED BY**

**[ORGANIZATION]**

**FOR**

**THE HTF PROGRAM**

1. **POLICY STATEMENT**

It is the policy of the [ORGANIZATION] to take reasonable steps to provide meaningful access to its programs and activities for persons with Limited English Proficiency (LEP). [ORGANIZATION]’s policy is to ensure that staff will communicate effectively with LEP individuals, and LEP individuals will have access to important programs and information. [ORGANIZATION] is committed to complying with federal requirements in providing free meaningful access to its programs and activities for LEP persons.

1. **HISTORY**

Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have Limited English Proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI’s prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

On August 11, 2000, Executive Order 13166, titled, “Improving Access to Services by Persons with Limited English Proficiency,” was issued. Executive Order 13166 requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP cannot fully and equally participate in or benefit from those programs and activities. Section 2 of the Executive Order 13166 directs each federal department or agency "to prepare a plan to improve access to…federally conducted programs and activities by eligible LEP persons…."

1. **DEFINITIONS**

Beneficiary**:** The ultimate consumer of HUD programs and receives benefits from a HUD Recipient or Sub-recipient.

Limited English Proficient Person (LEP): Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English because of national origin.

Language Assistance Plan (LAP): A written implementation plan that addresses identified needs of the LEP persons served.

Recipient: Any political subdivision of the State of Nebraska, or an eligible nonprofit organization, to whom Federal financial assistance is extended for any program or activity, or who otherwise participates in carrying out such program or activity, including any successor, assign or transferee thereof, but such term does not include any Beneficiary under any such program.

Sub-recipient: Any public or private agency, institution, organization, or other entity to whom Federal financial assistance is extended, through another Recipient, for any program or activity, or who otherwise participates in carrying out such program or activity but such term does not include any Beneficiary under any such program.

Vital Document: Any document that is critical for ensuring meaningful access to the Recipient’s major activities and programs by Beneficiaries generally and LEP persons specifically.

1. **FRAMEWORK & METHODOLOGY**

This Four Factor Analysis is the first step in providing meaningful access to federally funded programs for LEP persons. The Four Factor Analysis completed by [ORGANIZATION] addresses the following:

1. The number or proportion of LEP persons eligible to be serviced or likely to be encountered by [ORGANIZATION];
2. The frequency with which LEP persons using a particular language come in contact with [ORGANIZATION];
3. The nature and importance of the [ORGANIZATION] program or activity provided to the individual’s life; and
4. The resources available to [ORGANIZATION], and costs associated with providing LEP services.
5. **FOUR FACTOR ANALYSIS**
6. **The number or proportion of LEP persons eligible to be served or likely to be encountered by [ORGANIZATION].**

[Response to Item #1]

1. **The frequency with which LEP persons using a particular language come in contact with [ORGANIZATION].**

[Response to Item #2]

1. **The nature and importance of the [ORGANIZATION]** **program or activity provided to the individual’s life.**

[Response to Item #3]

1. **The resources available to [ORGANIZATION], and costs associated providing LEP services.**

[Response to Item #4]

As a result of the Four Factor Analysis, [ORGANIZATION] has determined a Language Assistance Plan is needed: [ ] YES [ ] NO

**LANGUAGE ASSISTANCE PLAN**

As a result of the preceding Four Factor Analysis, [ORGANIZATION] has developed a Language Assistance Plan. The Language Assistance Plan addresses the identified needs of the LEP persons [ORGANIZATION] serves, the process by which [ORGANIZATION] will monitor and update the LAP.

[ORGANIZATION] understands that the actions [ORGANIZATION] is expected to take to meet its LEP obligations depend upon the results of the Four Factor Analysis including the services [ORGANIZATION] offers, [ORGANIZATION]’s service area, the resources [ORGANIZATION] possesses, and the costs of various language service options. However, [ORGANIZATION] is to take reasonable steps to ensure meaningful access to LEP persons. The meaningful access is based upon a reasonableness standard that is both flexible and fact-dependent.

1. **The procedures [ORGANIZATION]** **will use to identify LEP persons with whom [ORGANIZATION]** **has contact, the size of LEP populations, and the languages of LEP populations.**

[Response to Item #1]

1. **Points and types of contact [ORGANIZATION]** **may have with LEP persons.**

[Response to Item #2]

1. **Ways in which language assistance will be provided by [ORGANIZATION], and the plan for outreach to LEP populations.**

[Response to Item #3]

1. **[ORGANIZATION]’s plan for training staff members on LEP guidance and the LAP, including specific provisions for training staff that are responsible for monitoring Recipients of HUD funding.**

[Response to Item #4]

1. **A list of Vital Documents to be translated, the languages into which they will be translated and the timetable for translations.**

[Response to Item #5]

1. **[ORGANIZATION]’s plan for translating informational materials that detail services and activities provided to Beneficiaries and [ORGANIZATION]’s plan for providing appropriately translated notices to LEP persons.**

[Response to Item #6]

1. **[ORGANIZATION]’s** **plan for providing interpreters for large, medium, small and one-on-one meetings.**

[Response to Item #7]

1. **[ORGANIZATION]’s** **plan for developing community resources, partnerships, and other relationships to help with the provision of language services.**

[Response to Item #8]

1. **[ORGANIZATION]’s plan for monitoring and updating the LAP.**

[Response to Item #9]

**AVAILABLE LEP RESOURCES**

HUD Frequently Asked Questions on the Final LEP Guidance: <http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq>

HUD’s LEP Website:

<http://www.hud.gov/offices/fheo/lep.xml>

Federal LEP Website:

<http://www.lep.gov/>

LEP and Title VI Videos:

<http://www.lep.gov/video/video.html>

“I Speak” Card:

<http://www.lep.gov/ISpeakCards2004.pdf>

**COMPLAINTS**

If you believe that you have been denied the benefits of this Language Assistance Plan, you may file a written complaint by mail to:

[ORGANIZATION]

Any person that feels that the Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 regulations were not complied with may file a complaint directly to the Assistant Secretary for Fair Housing and Equal Opportunity at the following address (or as otherwise directed by HUD):

Betty J. Bottiger

Director, Region VII Office of Fair Housing and Equal Opportunity

U. S. Department of Housing and Urban Development

400 State Avenue

Kansas City, Kansas 66101-2406

Betty.Bottiger@hud.gov