

**FOUR FACTOR ANALYSIS
ASSESSING
LIMITED ENGLISH PROFICIENCY
AND
LANGUAGE ASSISTANCE PLAN**

PREPARED BY

[LOCAL GOVERNMENT]

FOR

THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

A. POLICY STATEMENT

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

B. 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...."

C. 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.

D. 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 [LOCAL GOVERNMENT] addresses the following:

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

E. FOUR FACTOR ANALYSIS

- 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by [LOCAL GOVERNMENT].**
 - a. Provide a description of prior experiences with LEP encounters and determine the breadth and scope of language services that were needed.
 - b. Cite actual numbers or percentages of LEP persons (cited data should be up-to-date and from the most recent source of data, and the source of data should be explicitly stated).

[Response to Item #1]

- 2. The frequency with which LEP persons using a particular language come in contact with [LOCAL GOVERNMENT].**
 - a. Describe the frequency with which LEP individuals come in contact with your program, activity, or service as related to this specific CDBG-funded project.
 - b. Include how the local government will track inquiries for future documentation.

[Response to Item #2]

- 3. The nature and importance of the [LOCAL GOVERNMENT] program or activity provided to the individual's life.**

- a. Provide the name of activity/project and describe the specific activity, information, service, or program (HO, DTR, CD, etc.).
- b. State the importance of the project to an LEP person's life.
- c. Determine and describe whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

[Response to Item #3]

4. The resources available to [LOCAL GOVERNMENT], and costs associated providing LEP services.

- a. Describe current resources that your agency can provide to assist an LEP individual if there is a communication need and discuss cost of resources.
- b. If there is a lack of resources and/or cost burden, provide explanation, possible solutions, such as collaborating with local school, hospital, LEP grassroots organization, using telephone voicemail menu, hotline translation service, providing notice on non-English radio and TV stations, utilizing Google Translate, and/or 'I Speak' cards.
- c. Identify local LEP contact staff and title.
- d. Describe current LEP encounter tracking sheet, if applicable.
- e. Describe any written or unwritten processes/procedures that an employee can utilize when encountering an LEP individual.

[Response to Item #4]

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

F. LANGUAGE ASSISTANCE PLAN

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

[LOCAL GOVERNMENT] understands that the actions [LOCAL GOVERNMENT] is expected to take to meet its LEP obligations depend upon the results of the Four Factor Analysis including the services [LOCAL GOVERNMENT] offers, [LOCAL GOVERNMENT]'s service area, the resources [LOCAL GOVERNMENT] possesses, and the costs of various language service options. However, [LOCAL GOVERNMENT] 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 [LOCAL GOVERNMENT] will use to identify LEP persons with whom [LOCAL GOVERNMENT] has contact, the size of LEP populations, and the languages of LEP populations.**

[Response to Item #1]

2. **Points and types of contact [LOCAL GOVERNMENT] may have with LEP persons.**

[Response to Item #2]

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

[Response to Item #3]

4. **[LOCAL GOVERNMENT]'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]

5. **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]

6. **[LOCAL GOVERNMENT]'s plan for translating informational materials that detail services and activities provided to Beneficiaries and [LOCAL GOVERNMENT]'s plan for providing appropriately translated notices to LEP persons.**

[Response to Item #6]

7. [LOCAL GOVERNMENT]'s plan for providing interpreters for large, medium, small and one-on-one meetings.

[Response to Item #7]

8. [LOCAL GOVERNMENT]'s plan for developing community resources, partnerships, and other relationships to help with the provision of language services.

[Response to Item #8]

9. [LOCAL GOVERNMENT]'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:

[LOCAL GOVERNMENT]

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