

Rural Development Limited English Proficiency (LEP) Communication Plan

Policy

USDA is committed to providing meaningful access to its programs and services to persons who, as a result of national origin, are limited in English proficiency. It is USDA policy to ensure no person is subject to prohibited discrimination in programs receiving Federal financial assistance from USDA or its agencies based on national origin.

Authorities

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on persons with LEP because such conduct constitutes national origin discrimination.

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by persons with LEP. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order recommended uniform guidance to recipients on the preparation of a plan to improve access to its federally assisted programs and activities. Each plan shall be consistent with the standards set forth in the Department of Justice’s Policy Guidance Document entitled, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” (“DOJ LEP Guidance”), reprinted at 67 FR 41455 (June 18, 2002). The DOJ LEP Guidance was drafted and organized to function as a model for similar guidance by other Federal agencies.

Consistent with the DOJ LEP Guidance, USDA published its Final Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition against National Origin Discrimination Affecting Persons with Limited English Proficiency on November 28, 2014. The Guidance does not create new obligations for recipients, but provides guidance to recipients in meeting their existing LEP obligations. It clarifies the responsibilities of recipients and will assist them with fulfilling their responsibilities to a person with LEP under Title VI and its regulations.

7 CFR Part 15 Subpart A to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Act”) to the end that 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

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of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the Department of Agriculture or any Agency thereof.

7 CFR Part 1901 Subpart E which contains policies and procedures for implementing the regulations of the Department of Agriculture issued pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11246, and the Equal Credit Opportunity Act of 1974, as they relate to the Rural Development (Rural Development). Nothing herein shall be interpreted to prohibit preference to American Indians on Indian Reservations.

LEP Communication Strategy

This Communication Plan sets forth the recommended strategy and step-by-step procedures for ensuring that persons with Limited English Proficiency (LEP) have meaningful access to programs and activities receiving Federal financial assistance from the Rural Development of the U.S. Department of Agriculture (USDA).

The Rural Development Office of Civil Rights (OCR) and the Office Legislative and Public Affairs (LAPAS) will work together to with the State Offices to implement the communications plan. Rural Development field staff participation is a key factor in making the Communication Plan a success. The State Office POCs, Civil Rights Managers/Coordinators, and OCR staff will coordinate communication plan efforts and monitor effectiveness.

Beginning in Fiscal Year 2016, OCR promulgates the LEP Guidance materials throughout and establishes the following deliverables into the LEP Outreach Initiative:

1. The Civil Rights Director briefed Administrators and State Directors of the LEP requirements and implementation strategy on September 30, 2015.
2. The OCR sought designated representatives (POC) from each mission area Administrator and State Office to assist with effective coordination of the efforts necessary to reach compliance with the LEP requirements. POCs were identified by October 9, 2015.
3. The OCR, with assistance from the designated POCs developed a list of vital program documents. Vital program documents are paper or electronic materials that contain information critical for accessing a program or activity, or are required by law, such as consent forms, applications, and notices of rights. The vital document list was completed by October 15, 2015.
4. OCR will conduct monthly teleconferences with the State Civil Rights Managers and LEP POCs to coordinate continuing efforts to implement and comply with LEP requirements. The first monthly teleconference was on October 15, 2015.

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5. The OCR utilized the first quarter of FY 2016 to complete the analyses of the top 5 languages spoken by the public when engaging RD programs. The OCR conducted the analysis at the National and Regional levels and the State Offices received guidance and tools to enable their completion of the top 5 language analysis in their respective State. The top 5 language analysis was completed by October 15, 2015.
6. In coordination with NRCS, RD developed, translated, and published a public notice of services available in alternate languages with appropriate program contact information by March 15, 2016. This poster will be posted in a conspicuous place accessible by the public at all co-located NRCS/FSA/RD facilities as well as RD facilities nation-wide.
7. The National Office LEP Team Lead will monitor and evaluate the effectiveness of the LEP program throughout the conducted and assisted programs and provide recommendations and feedback through the Civil Rights Director and Program Compliance Branch Chief on a quarterly basis.

Conducted Programs

- In conjunction with the mission area and State Office POCs, the LEP Four Factor Analysis will be completed in the first quarter of FY 2016. Each office will provide a qualitative summary of the four factors and the overall document will be compiled by the OCR. POCs will receive training on the use of the RD LEP Tool. This tool is designed to provide a quantitative analysis of the four factors to develop a priority list of needs to comply with LEP requirements and serve the LEP populations.
- Translated vital documents will be coordinated through both LAPAS and OCR. LAPAS will assist in ensuring consistency of public outreach and marketing materials for the various conducted and assisted programs as well as the vital forms and application materials. RD has identified 132 vital documents and all documents have been translated into the agency top-5 languages (Spanish, Chinese, Vietnamese, Korean, and German). The vital forms and application materials are posted on the agency SharePoint site for immediate use by RD and the program fact sheets are posted on the RD website for immediate use by the public.
- Oral interpretive and written translation resources will be provided to the RD State Offices through local use of the existing Blanket Purchasing Agreements (BPAs) as well as include recommendations for outreach to local resources such as language departments at colleges and universities and identified community centers. Additionally, OCR will continue to provide training to State Offices on the use of the BPAs as well as guidance for the use and need of translation and interpretive services throughout 2016.

Assisted Programs

- State Program Directors will notify all current recipients of the LEP requirements. The recipients are required to develop a Language Access Plan (LAP) in order to comply with the LEP requirements of being a recipient of Federal financial aid. Notifications to

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Recipients will be completed by July 31, 2016 and Recipient LAPs will be reviewed during their next regularly scheduled compliance review. OCR has provided a template letter for use by State Program Directors in notifying their respective recipients and the RD LEP Implementation Strategy for Assisted Program is posted on the RD Civil Rights website for easy and immediate access.

- Recipients must retain and maintain their respective LAPs and affirmatively acknowledge the compliance requirement with their respective Program Director in coordination with the Civil Rights Manager or LEP POC. For this initial effort, the RD LEP Team Lead will provide oversight and technical assistance as necessary. After initial development, recipient LAPs will be reviewed in conjunction with the regularly scheduled civil rights compliance review.
- All RD-assisted program recipients are expected to have a Language Access Plan (LAP) in place prior to final funding approval and disbursement. Each recipient LAP is subject to review through established agency compliance reviews.

Training Opportunities

- The first quarter of FY 2016 will have multiple training opportunities for RD staff as well as current and potential recipients of Federal financial aid. The training will cover the LEP guidance in both the conducted and assisted RD programs and may be provided in webinar, conference call, or video conference formats. OCR anticipates providing two (2) training opportunities in November 2015 and one (1) in December 2015.
- During the third quarter of FY 2016, RD has provided multiple webinar trainings on both the conducted and assisted program LEP requirements. Training has been provided to over 400 persons including RD employees and RD recipients. Training will continue into the fourth quarter of FY 2016 and include over 600 additional training participants.

State Outreach Activities

To ensure a maximum level of meaningful communication is provided to LEP populations, outreach to civic- and community-based organizations, non-government organizations, Native American tribes, trade groups, public officials at all levels (Federal, State, and local), colleges and universities and, where appropriate, faith-based organizations may be necessary. The State LEP POC in conjunction with the Program Directors are responsible for developing a LEP outreach plan for their respective State(s) and working with the Civil Rights Manager/Coordinator, Public Information Coordinator, and other Rural Development employees as applicable to implement outreach plan.

Outreach activities should include:

- Determining the languages spoken within LEP populations and areas based upon the demographics of the State(s);
- Contacting Hispanic and other Minority organizations to schedule outreach meetings;

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- Presenting LEP information at workshops, exhibits and other speaking engagements;
- Updates to websites, newsletters, and press releases; and
- Public notification that information is available in alternate languages.