

# **COMMUNITIES** Unlimited

## **Limited English Proficiency Plan (LEPP) FY 2024**

*Adopted by the Board of Directors, Nov. 1, 2023*

# COMMUNITIESUnlimited

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# Limited English Proficiency Plan (LEPP)

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# I. Introduction

Communities Unlimited (CU) is home to people of different cultures, ethnicities, races, and backgrounds, as are the communities we serve. Language differences should not be a barrier to engagement and participation. This Limited English Proficiency Plan (LEPP) was developed to ensure access for all.

The CU LEPP establishes organization-wide guidance to provide LEP individuals with meaningful access to programs, projects, services, or activities in a timely and effective manner. The Plan was developed to be consistent with:

1. CU's commitment to provide meaningful access to LEP individuals.
2. CU's mission.
3. Title VI of the Civil Rights Act of 1964.
4. Title VI implementing regulations and guidance documents; and
5. Executive Order 13166 (EO 13166).

Upon approval by the CU Board of Directors, the organization will implement all aspects of the approved LEP Plan within 60 calendar days.

## II. Definitions

**Interpretation** – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Interpreter** – An individual who conveys meaning orally from one language (the source language) into another (the target language).

**Limited English Proficient (LEP) Individuals** – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other types of communication (e.g., reading or writing).

**Meaningful Access** – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes reasonable efforts to provide language assistance services to ensure that LEP individuals have substantially equal access to Programs and activities.

**Primary Language** – An individual's primary language is the language in which an individual most effectively communicates.

**Program or Activity** – The term “program or activity” and the term “program” refer to all department/divisional operations and services offered by the organization.

**Service Area** – Communities Unlimited, Inc. (CU) service area is defined as the seven (7) states of Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee and Texas.

**Translation** – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

**Translator** – An individual who conveys written text from one language (source language) into the equivalent in written text in another language (target language).

**Vital Document** – Paper or electronic material that is critical for access to the department’s programs, activities, and services, or contains information about procedures or processes required by law. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

### III. LEP Plan Summary

Definition of LEP persons: individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

This Plan helps identify reasonable steps to ensure LEP persons meaningful access to programs. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

To decide what reasonable steps to take to ensure meaningful access for LEP persons, the following is considered.

1. The number or proportion of LEP persons eligible to be served or likely encountered.
2. The frequency with which LEP individuals come in contact with the program, activity or service.
3. The nature and importance of the program, activity or service provided.
4. The resources available to CU and overall costs.

A brief description of the above considerations is provided in the following section.

## IV. Four Factor Analysis

The EPA's LEP Guidance provides a flexible and fact dependent four-factor analysis to help recipients determine whether they are taking reasonable steps to ensure meaningful access to their programs and activities by LEP individuals. Communities Unlimited will use information provided in the four-factor analysis to proactively determine the need for language services without first requiring a request from the public to provide language assistance.

### **Factor 1: Number or proportion of LEP individuals in the Communities Unlimited (CU) service area eligible to be served or likely to encounter CU programs and/or services.**

The greater the number or proportion of LEP individuals, the more likely language services will be needed. Minority populations that are eligible for programs or activities but may be underserved because of existing language barriers are considered. Records of the number or proportion of people with LEP who seek services from the program shall be maintained.

The U.S. Census Bureau has four classifications of how well people speak English: very well; well; not well; and not at all.

Communities Unlimited considers individuals who speak English less than "very well" as Limited English Proficient (LEP).

CU Service Area	Total POP	Total LEP POP	*LEP%	Total Spanish	Spanish% of Total POP
Alabama	4,497,352	107,436	2.4%	78,970	1.8%
Arkansas	2,738,012	89,977	3.3%	69,398	2.5%
Louisiana	4,255,893	119,591	2.8%	65,395	1.5%
Mississippi	2,771,287	43,433	1.6%	28,987	1.0%
Oklahoma	3,521,583	138,641	3.9%	103,860	2.9%
Tennessee	5,998,956	168,938	2.8%	110,114	1.8%
<b>Texas</b>	<b>23,704,400</b>	<b>3,374,551</b>	<b>14.2%</b>	<b>2,926,515</b>	<b>12.3%</b>

*\*LEP (Limited English Proficiency) for this Factor 1 analysis defined as individuals who speak English less than "very well."*

*POP (Population)*

*Spanish (Self-identify as speaking Spanish or Spanish Creole)*

**Factor 2: The frequency with which LEP individuals encounter a Communities Unlimited program, activity, or service.**

In addition to research conducted to identify LEP persons in the CU service area, information regarding the frequency of contact with LEP persons will be recorded and evaluated annually.

Actions taken by a program/activity/division to serve a LEP person one time or occasionally will be different from those that serve LEP persons every day. The frequency at which staff have contact with LEP persons also will be recorded and evaluated annually. This includes documenting phone inquiries and in person inquiries for LEP assistance or materials, requests for language interpreters or translated material, and may include surveying training attendees.

**Factor 3: The nature and importance of Communities Unlimited program, activity, or service to the LEP population.**

Communities Unlimited shall consider the importance and/or urgency of the activity undertaken. The more important or urgent the service, the greater the need to provide enhanced language services. CU determines whether the denial or delay of access to programs, activities, services, or information could have immediate and or severe impacts on LEP individuals. For example, communicating information to LEP individuals who may be adversely impacted by an immediate water source contamination or release of airborne toxic chemicals differs from the need to provide information on efforts to increase recycling.

**Factor 4: The resources available to Communities Unlimited and the overall cost to provide LEP assistance.**

Communities Unlimited is committed to ensuring programs, services and activities are inclusive and will take measures necessary to meet provide language assistance services. CU will consider the level of resources and the costs to provide language assistance services. When cost concerns limit the ability to provide services, CU will explore other options including coordination with other government and non- governmental agencies, exploring new resources and emerging technology, and other mechanisms for ensuring meaningful access for individuals who are LEP.

The EPA and USDA LEP Guidance provides a “safe harbor” standard. Strong evidence of compliance with the recipient’s written-translation obligations under “safe harbor” includes.

providing written translations of vital documents for each eligible LEP language group constituting 5 percent (5%) or 1,000 people, whichever is less, of the population of individuals eligible to be served or likely to be affected or encountered.

Translation of other documents, if needed, may be provided orally.

The “safe harbor” standard applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Communities Unlimited uses the safe harbor standard as a guide when deciding when written translation should be provided.

## **V. Providing Notice to LEP Individuals**

Communities Unlimited will employ multiple methods to inform LEP individuals regarding services available that include and may not be limited to the following.

- Publish the Communities Unlimited LEP Plan as well as information on how to access language assistance services on the website and make a print version available in offices serving the public.
- Stating in outreach documents that language services are available from the recipient. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information.
- Posting signs and including information at initial points of contact about how to access language services.
- Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to obtain them.
- Provide information and notice on non-English language radio and television stations, newspapers, and social media as appropriate.
- Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients’ services, including the availability of language assistance services.
- With advance notice of a minimum of 14 calendar days, Communities Unlimited will provide translation and interpreter services at meetings/training. Interpreter services will include foreign language and signs for the hearing impaired. Communities Unlimited will also consider and accommodate requests with less than 14 calendar days when possible.

- Maintain a contact list of certified interpretation and translation providers.
- Distribute the U.S. Census Bureau I-Speak Language Identification Cards to field staff who may encounter LEP persons while performing their day-to-day job functions. CU uses the I-Speak Cards available at [www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf) in addition to a Marshallese I-Speak card from King County, available at [www.kingcounty.gov/languageaccess](http://www.kingcounty.gov/languageaccess).

## VI. Staff Training

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities; annually and upon hire.
- Description of language assistance services offered to the public, in person and telephone.
- Use of the "I Speak" cards.
- Documentation of language assistance requests. A button is available on the SharePoint HOME site (internal website also available via CU iPhone) where all staff can report LEP Contacts.

## VII. Selecting Language Assistance Services

**Interpretation (Verbal Services):** When an interpreter is needed, in person or on the telephone, staff should first determine what language is required using the I Speak tools.

Interpretation services may be provided by the following methods and used based upon the assessment of need.

1. Contracting and hiring qualified interpreters and translators. Contractors are selected from the state list of approved certified court interpreters that is updated annually.
2. Using telephone (or video conferencing) interpreter services. These services may be needed when holding virtual meetings or events.
3. Partnering with other departments, agencies, or community volunteers that provide services to LEP individuals to maximize resources and to ensure that language services provided fit the need of the community being served.
4. Using family members or friends. Communities Unlimited discourages use of informal interpreters, such as family or friends of the LEP person seeking service, or other customers, with minor children generally prohibited from acting as interpreters. The use of informal interpreters shall be allowed at the insistence of the LEP person or in emergencies but shall be documented using the waiver of interpretation services and subject to other program policies and/or requirements as applicable.
5. LEP individuals may choose to use, at their own expense, an interpreter of their choosing in place of, or as a supplement to, the language services CU provides.

No staff may suggest or require an LEP person provide an interpreter in order to receive services.

Communities Unlimited will not utilize machine translation, such as Google Translate, under any circumstances.

**Translation (Written Services):** Documents that require translation to provide meaningful language access are Vital documents and generally fall into two broad categories: specific written communication regarding a matter between an individual and division or program office and documents primarily geared toward the general public or a broad audience.

Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered “vital” is determined by division and program offices.

A program needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a program to make an activity, warning, or notice compulsory, such as particular educational programs on lead-based paint and children, can serve as strong evidence of the program’s importance.

It may be difficult to determine vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. Though meaningful access to a program requires an awareness of the program’s existence, we recognize it would be nearly impossible to translate every piece of outreach material into every language. The federal guidelines and executive order do not require this of recipients of federal financial assistance.

Communities Unlimited has determined the following to be vital documents.

- Loan application
- Loan notices/communication
- Primary program/service brochures
- Website Home Page and LEP Plan and Language Access Service Information

Some examples of vital documents intended for public outreach or a broad audience, or communication between an individual and division or program office, may include, but are not limited to, the following:

- Brochures
- Fact sheets
- Press releases.

- Training materials
- Information pertaining to emergency response efforts.
- Consent and complaint forms
- Written notices related to loan applications.
- Loan documents
- Notices advising LEP persons of free language assistance.
- Legal notices or contractually required notices.

Communities Unlimited switched to Transperfect Connect ([www.transperfectconnect.com](http://www.transperfectconnect.com)) for vital document translation and audio call/video call interpretation during FY23 in response to feedback from staff and stakeholders indicating the previous service was not effective or efficient. In addition, a law firm in Texas is used to supplement translation for the Rio Grande Valley region due to the unique regional variance in the Spanish language predominant in this area. Transperfect Connect is an approved vendor for the GSA Federal Supply schedule 73811 and is endorsed by the Departments of Justice, Agriculture, Homeland Security, Labor and the FDIC. This organization also has translators and interpreters available that specialize in financial services, which is directly related to the program area where CU experienced a few challenges.

Existing forms, fact sheets and applications available from various federal agencies also are used and training informs staff about the availability of these resources. Examples of these resources include the following.

USDA RD Forms in Spanish  
<https://www.rd.usda.gov/resources/forms/es>

USDA RD Fact Sheets in Spanish  
<https://www.rd.usda.gov/resources/publications/fact-sheets>

## VIII. LEP Plan Access

A sign is posted at the Corporation office notifying LEP persons of the LEPP and how to access language services. Additional information is available through CU's website, upon request via [Info@CommunitiesU.org](mailto:Info@CommunitiesU.org) and through staff.

For those without personal internet service, or access to the Corporation office, copies of the LEP Plan will be provided upon request by contacting CU at 479-443-2700 or by USPS with a written request sent to the following address. Response by USPS may take up to 14 business days.

Communities Unlimited  
 3 East Colt Square Drive  
 Fayetteville, AR 72703  
 ATTN: Compliance Office – Program Support

## IX. Monitoring

The Compliance Office of Communities Unlimited monitors the LEPP at a minimum, once per year when updated data is available from the U.S. Census; or when a staff member reports the presence of a high concentration of LEP individuals in a community where they are working. When updates are required, the Board is presented with the need for the updates and the recommended updates to the Plan. Upon Board approval, the new Plan is implemented.

The Compliance Office is part of Program Support Services and is managed by the Director of Research and Program Support.

As part of monitoring, the Compliance Office considers the following:

- Current LEP population in service area.
- Language services requested / provided and for which languages.
- Target audience / location.
- Whether language assistance services are effective and sufficient to meet the need.
- Challenges encountered and how they were resolved.
- Feedback from stakeholders, the community, and LEP individuals.
- Whether CU's financial resources are sufficient to fund language assistance resources needed.
- Determine whether CU complies with the goals of the LEPP.