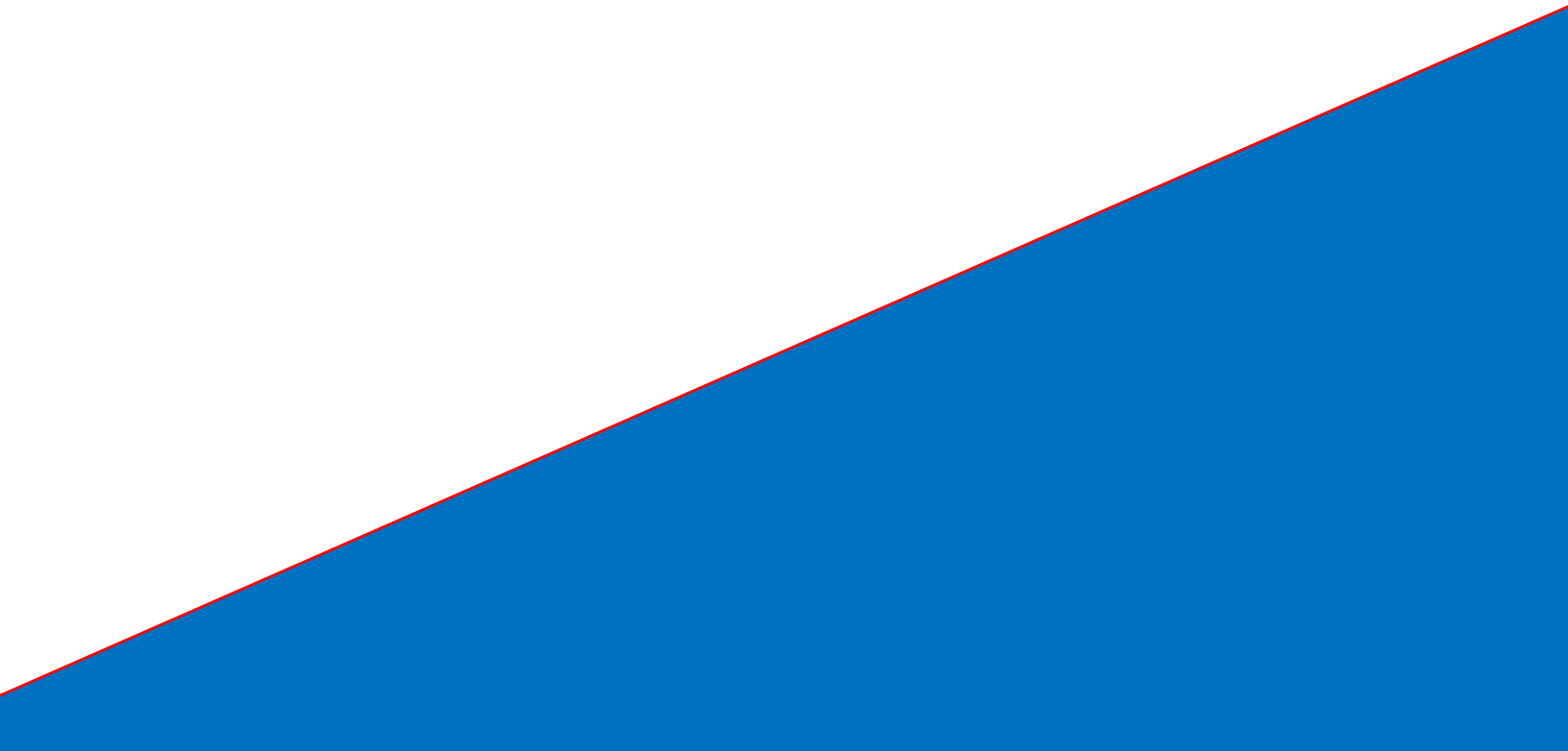


NATIONAL ENDOWMENT for the ARTS

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National Endowment for the Arts Limited English Proficiency Plan

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NEA Limited English Proficiency Plan

Plan for Improving Access to Programs for Persons with Limited English Proficiency

Preserving America's varied, living cultural heritage is core to the mission of the National Endowment for the Arts. We strongly support efforts to reach people from many different cultures and language backgrounds. The Endowment believes that federal and federally funded programs must reach populations with limited English proficiency in two ways. First, they must provide appropriate services to the populations that they reach. Second, they must reach out to underserved populations, including persons with limited English proficiency.

The Endowment is committed to extending its own services and outreach to LEP populations, at the same time that it steps up its efforts to assist grantees with LEP issues. The Endowment conducts relatively few programs directly; by far the bulk of its efforts are devoted to federally assisted programs. However, additional sensitivity to language issues would benefit both the Endowment's direct programs and its administration of federally assisted programs.

The Endowment's strategy for improving language accessibility of both its programs and the programs it funds is fourfold. First, we will adhere to internal mechanisms for handling translation requests. Second, we will encourage outreach to LEP populations in all our grant programs. Third, we will enhance technical assistance for LEP applicants and improve LEP application review. Finally, we will enhance technical assistance for all grant recipients on LEP issues.

I. Procedures for handling translation requests

The Endowment has only rarely received any requests for written translation of any of its publications. However, as the Endowment increases outreach programs to LEP populations, the agency can anticipate such requests, and has established procedures in place to accommodate them. Requests for written translation will be handled by the relevant office: for example, the Office of Public Affairs would handle a request for a publication. The Endowment has identified a centralized staff contact, the Office of General Counsel, which will coordinate staff training and the development of resources on language issues for grantees, supervise the provision of technical assistance, and receive, evaluate, monitor, and coordinate requests for written translation.

The Endowment receives phone calls from individuals with limited English skills more frequently. The agency's standard practice is for a bilingual staff member to handle these calls. To date, this practice appears to work relatively well. The Endowment has established a database of staff language skills in order to facilitate identification of potential interpreters. In addition, the Office of General Counsel will serve as the staff contact for handling requests for more formal interpretation.

A. Assessment of Translation Requests

The Endowment will assess translation requests for its publications and services according to the four factors:

1. Number and proportion of eligible LEP recipients

First, the Endowment will assess the language assistance needs of its direct constituents. Our preliminary assessment, based on experience, is that the Endowment has a very small direct LEP constituency. We will continue to refine this assessment; we project that our LEP constituency may well grow as our services improve.

a. Organizations

The vast majority of the Endowment's applicants and grantees are organizations, such as arts organizations, community organizations, school districts, universities, and state and local arts agencies. While many of these organizations are culturally specific, virtually all have English-speaking staff and very few would be described as limited English proficiency. At present, the Endowment's only known non-English-speaking constituent bloc is Spanish-speaking grantees, primarily in Puerto Rico. As with other culturally specific organizations, virtually all of these Puerto Rican organizations have English-speaking staff. The agency has developed mechanisms for working with Spanish-speaking applicants and grantees, including the use of bilingual staff and panelists. One category that presents a unique situation is the Arts Indemnity Program, which indemnifies U.S. museums borrowing items from abroad. On occasion, the Endowment receives requests for translation on behalf of the international lenders. The Endowment has worked with grantees, the State Department, and occasionally private translators, for limited translation of regulations and key program documents. However, these translation services are unrelated to the Title VI needs of U.S.-based LEP individuals or organizations.

b. Individuals

The Endowment does not, at present, award grants to individuals except in three narrow categories: Literature fellowships (including translation fellowships) and two honorific awards, National Heritage Fellows and NEA Jazz Masters Fellowships.

NEA Jazz Masters have not historically included any LEP individuals. Each year, several Heritage Fellows might be characterized as LEP, typically Spanish-speaking, but frequently including speakers of other European languages, Asian languages, and Native American languages. They are assisted by bilingual staff or interpreters; there has not been any significant difficulty.

Literature fellowship applications are accepted from writers who write in languages other than English. We require that at least half of the manuscript be translated into English. The process mirrors, to the extent appropriate, the process for applications in English. Three bilingual readers read each manuscript. If one of them recommends the manuscript, it goes to three other bilingual readers; the manuscript (along with the six written critiques) is then discussed at the panel

meeting by the panelists, who make a recommendation for rejection or acceptance. If possible, the readers are a mix of individuals serving on the year's panel, or individuals who have served recently and have an idea about the competitiveness of the process.

Applicants for Literature fellowships for translation are by definition bilingual. However, the Endowment's experience in administration of this ongoing program may preview some of the challenges in providing broader Endowment services to LEP populations.

The Endowment also receives inquiries from individual members of the public, by telephone, by e-mail, and in writing. These requests, to date, have been almost exclusively in English. Offices that receive occasional inquiries in other languages have established mechanisms to manage them. The Grants Office, in particular, occasionally receives telephone inquiries in Spanish, typically from grantee staff members. These may be handled by a bilingual staff member if possible and when appropriate.

2. Frequency of contact

Applicants are typically limited to one application per year. While many applicants repeat from year to year; typically, agency requests for translation services of any kind are rare.

3. Nature and importance of the benefit/service/program

Access to Endowment programs, while important, does not typically present life or death issues. Nevertheless, an organization's access to Endowment funding may have implications for its access to other funding sources. Accordingly, the Endowment's general inclination will be to translate "vital" documents at least in part. A document will be considered vital if it conveys or collects information that is essential for accessing the Endowment's services. Vital documents will be translated when a significant number or percentage of the population eligible to be served, or likely to be directly affected by the program, needs services or information in a language other than English to communicate effectively. For longer documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety. It seems likely that the only Endowment documents that might be considered "vital" enough to be translated in part are the guidelines, and possibly other forms such as payment requests and some reporting forms. At present, guidelines are available in English and Spanish. There have been no subsequent requests for translation of the guidelines. The Endowment will apply the other three factors to determine what portion, if any, of the guidelines or other forms should be translated, and into which language. For example, we may determine that only the actual application forms and instructions, and not the detailed guidelines on the application review process, are "vital." As it develops a plan for potential translation of guidelines, the Endowment will look both at requests for translation and at the nature of the grant programs. For example, the Endowment would likely focus initial translation efforts on guidelines for programs that are more likely to reach LEP populations, such as the Challenge America small grants program. All other documents will likely be determined to be non-vital. Non-vital documents need not be translated. However, the Endowment will look to the nature of the specific document in making the determination on translation. For example, publications specifically designed for outreach might be appropriate for translation even if not "vital."

4. Resources available

For a discretionary grantmaking agency such as the Endowment, language accessibility can involve three layers: translation of guidelines, translation of applications, and translation of the panel process. When multiple languages are involved, the complications are exponential. If translation requests increase, we will need to address issues of resource allocation.

The Endowment has substantial experience with translation issues. The Endowment's Canada-Mexico-US fellowship program, which involved producing trilingual guidelines (French, English, and Spanish), processing applications in all three languages, and conducting a trilingual panel, posed enormous logistical challenges. Similarly, administration of the Endowment's ongoing program of literature translation fellowships and translation of Arts Indemnity Program materials is both costly and time-consuming. We do not underestimate the potential burdens on our small agency, including both cost and administration. Some portion of our administrative budget will need to be allocated to translation and interpretation.

B. Mechanisms for Translation

Once the need for translation has been determined, we will assess what technique is appropriate: written, oral, contract, or use of bilingual staff.

1. Written Translation

The Endowment has established mechanisms for translations of guidelines and other Endowment documents. We have in the past published guidelines in multiple languages, and have conducted a trilingual panel. We also retain translators in an array of languages for literature translation fellowships. We will both look to these experiences and contract with translators on the GSA schedule as needed.

2. Oral Translation services

We also have established a mechanism to contract for oral translations, such as a telephone language interpretation service, when bilingual staff are unavailable.

3. Volunteer Translation Assistance

We are continuing to investigate mechanisms for the Endowment to work with other agencies, arts service organizations, LEP-serving organizations, and grantees to enhance the Endowment's capacity for translation and interpretation and to develop technical assistance materials. The Endowment's Arts Indemnity Program, which has worked with grantees, the State Department, and occasionally private translators on translation issues, presents a successful model of these translation partnerships.

4. Language Skills Database

We have established a database of Endowment employees who are fluent in languages other than English. This mirrors and institutionalizes the current informal practice of using employees fluent in other language as interpreters.

In addition, our panel bank system includes information on the panelists' language skills, which is used to ensure that panels include panelists with the necessary language skills to evaluate applications and support materials in languages other than English. It should be noted that per federal requirements, all applications must be submitted in English.

II. Encourage Outreach to LEP Populations

Federally funded programs must make their day-to-day programs accessible to LEP populations. At the same time, they also need to increase outreach to all underserved populations, including persons with limited English proficiency. The Endowment will continue to give high priority to these outreach activities, by encouraging grantee outreach programs, by funding programs in other languages, and by funding programs that increase access by non-English speakers to art or increase access of the general population to the art of other cultures.

The Endowment will also ensure that its leadership initiatives and outreach programs are extended and targeted, where appropriate -- to populations with limited English proficiency, and will ensure that all grant programs encourage such outreach.

Finally, the Endowment has revised key guidance documents to encourage and emphasize LEP services. The guidelines reference LEP services:

- The review criteria include an impact assessment, which includes LEP populations.
- Translation services are listed as an example of a permissible cost in sample budgets.
- The nondiscrimination assurances specifically reference LEP in the description of Title VI coverage, with a named contact for further information.

The Grant Terms and Conditions, which govern all grants and cooperative agreements, have been similarly revised to specifically reference LEP in the description of Title VI and to identify a staff contact.

III. Improve LEP Application Review and Enhance Technical Assistance for LEP Applicants

A. Improve LEP Application Review

Under the Endowment's authorizing legislation, application review panels are required to be culturally diverse. Our panel bank reflects other languages that a panelist speaks. A recent panel bank system upgrade provided the capacity to search the panel bank by language, which will facilitate both general panel diversity and the specific need for bilingual panelists.

At present, if portions of an application or support materials are in a language other than English, our practice is to have at least one bilingual panelist who serves as the lead reader on that application and assists other panelists in evaluating it. As an alternative (for example, when a language is relatively rare), an application could be sent to a bilingual reader. In the case of applications for translation grants in literature, a second reader evaluates the translation. This model could be extended, as appropriate, to applications in other programs. We do not anticipate having resources available to translate applicant support materials into English. Staff will continue to be vigilant to make sure that LEP applicants are not disadvantaged.

B. Enhance Technical Assistance for LEP Applicants

We will continue to refine mechanisms to provide technical assistance in other languages to the same degree that we provide it in English, and to publicize this assistance. Technical assistance continues to expand at the NEA, and includes online webinar grant workshops, online office hours with Q&A opportunities, and on-site grants workshops at field conferences. Recorded webinars and workshops are also saved on YouTube where viewers can select the translation option on the platform.

At present, most technical assistance is informal oral assistance, by telephone, at the pre-application phase. This could be provided to LEP applicants through the use of bilingual staff or contract interpreters.

A second key form of technical assistance is the provision of summaries of panel comments, on request, to rejected applicants; and typically, this feedback is provided orally. The Endowment will investigate the possibility of providing such feedback in other languages, on reasonable request, to LEP applicants.

IV. Provide LEP Technical Assistance For Grant Recipients

The Endowment's primary technical assistance efforts will be focused on helping recipients find creative ways to increase language accessibility without jeopardizing their programs. The <http://www.lep.gov> website is a key resource for both applicants and grantees. The Endowment's guidelines and its grant terms and conditions expressly refer applicants and grantees to this website.

Technical assistance will need to be tailored not only by size, nature, and location of organization, but also by the field. Some arts disciplines, like theater and literature, are quite language-dependent. Except when a program is specifically designed to be multilingual, these programs probably have minimal accessibility. Other arts disciplines, such as visual arts, dance, and music, transcend language and are likely extremely accessible. Yet other disciplines have long experience with translation issues: for example, traditional opera has developed surtitling, larger museums often have exhibit labels and tours in multiple languages, and media addresses language issues through subtitling and dubbing. The Endowment will focus on identifying "best practices" for different types of organizations.

Like translation requests, technical assistance will be handled by the relevant office: the Dance staff, for example, would handle a request from a dance organization. The Endowment's Office of General Counsel will serve as the identified centralized staff contact, will coordinate staff training and the development of resources on language issues for grantees, and will supervise the provision of technical assistance.

The Endowment will also investigate further education of grantees on language inclusiveness. For example, because arts education projects may implicate particular concerns, we could distribute Department of Education materials on bilingual education or produce materials specifically addressing bilingual arts education issues. Finally, we could develop materials specifically targeted to enhance language inclusiveness, including a description of language issues in the civil rights portion of our website.

Complaints of language discrimination will be handled by the Office of Civil Rights. Language discrimination complaints will be handled on a case by case basis, by fact-intensive inquiry into the actual effects of the recipient's actions and inactions on persons with limited English proficiency. Balancing the factors in the policy statement -- the number or proportion of people with limited English skills served, the frequency of their contact with the program, the importance and nature of the program, and the resources available -- the Endowment's grantees are typically in a very different situation than public education or health care. In most instances, Endowment grantees Title VI obligations will be satisfied by making available oral assistance or commissioning translations under appropriate circumstances.