

FOOD STAMP BILINGUAL REQUIREMENTS

(7 C.F.R. § 272.4(b))

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Updated June 1, 2003

WHAT ARE THE FOOD STAMP BILINGUAL REQUIREMENTS?

Under certain circumstances, described below, a Food Stamp office must:

- translate “informational materials”;
- translate “certification materials”;
- provide bilingual staff or interpreters.

WHAT MATERIALS ARE SUBJECT TO THE TRANSLATION REQUIREMENTS?

Informational materials are those used by agency in “Program informational activities.” 7 C.F.R. § 272.4(b)(2). Certification materials are defined as “the food stamp application form, change report form and notices to households.” 7 C.F.R. § 272.4(b)(3)(ii)(A).

WHAT HOUSEHOLDS CAN TRIGGER THE BILINGUAL REQUIREMENTS?

A Food Stamp office is required to translate materials and provide bilingual staff only if it serves a certain number of “Single Language Minority” households. Single Language Minorities (SLM) are defined as “households which speak the same non-English language and which do not contain adult(s) fluent in English as a second language.” 7 C.F.R. § 272.4(b)(1).

WHEN MUST AN AGENCY TRANSLATE ‘INFORMATIONAL MATERIALS’?

An agency’s obligation to translate “informational materials” depends on the size of the “project area.” A project area is “the county or similar political subdivision designated by a State as the administrative unit for program operations. Upon prior FNS approval, a city, Indian reservation, welfare district, or any other entity with clearly defined geographic boundaries, or any combination of such entities, may be designated as a project area, or a State as a whole may be designated as a single project area.” 7 C.F.R. § 271.2.

An agency is required to translate “informational materials” if:

- the project area serves **fewer than 2,000** low-income households **and** approximately 100 or more of those households are SLM; **or**
- the project area serves **more than 2,000** low-income households **and** approximately

- 5% or more of those households are SLM; **or**
- the agency is required to translate “certification materials” (see below.)

WHEN MUST AN AGENCY TRANSLATE ‘CERTIFICATION MATERIALS’ AND PROVIDE BILINGUAL STAFF OR INTERPRETERS?

A local Food Stamp office must translate certification materials and provide bilingual staff or interpreters if:

- the office provides service to an area containing approximately 100 SLM low-income households; or
- in each project area with a total of less than 100 low-income households, if a majority of those households are SLM.

WHEN MUST A STATE AGENCY PROVIDE BILINGUAL MATERIALS AND STAFF OR INTERPRETERS TO MIGRANT WORKERS?

In areas that experience a seasonal influx of non-English speaking households, a state agency must provide translated materials and bilingual staff if, during the seasonal influx, the number of SLM low-income households meets or exceeds the requirements for translation of “informational materials” and “certification materials.”

SUMMARY OF BILINGUAL REQUIREMENTS

§ 272.4(b)(2): Translated ‘informational materials’ are required if:	§ 272.4(b)(3): Translated ‘certification materials’ and bilingual staff/interpreters are required if:	§ 272.4(b)(4): Bilingual materials and staff for migrant workers are required if:
In project areas with < 2,000 low-income households if > 100 households are Single Language Minority (SLM)	In each certification office that provides service to an area containing approx. 100 SLM low-income households	If during the seasonal influx the number of SLM low-income households meets or exceeds (b)(2) or (b)(3)
In project areas with > 2,000 low-income households if > 5% of households are SLM	In each project area with a total of less than 100 low-income households if a majority of those households are SLM	

If certification office is required to provide bilingual staff per § 272.4(b)(3)		
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WHAT MUST A STATE AGENCY DO TO ENSURE COMPLIANCE WITH THE FEDERAL BILINGUAL REQUIREMENTS?

According to 7 C.F.R. § 272.4(b)(6), a state agency must:

- develop estimates of the number of low-income single-language minority households, both participating and not participating in the program, for each project area and certification office using census data (including the Census Bureau's Current Population Report: Population Estimates and Projections, Series P-25, No. 627) and knowledge of project areas and areas serviced by certification offices. Local Bureau of Census offices, Community Services Administration offices, community action agencies, planning agencies, migrant service organizations, and school officials may be important sources of information in determining the need for bilingual service.
- If these information sources do not provide sufficient information for the State agency to determine if there is a need for bilingual staff or interpreters, each certification office must, for a 6-month period, record the total number of single-language minority households that visit the office to make inquiries about the program, file a new application for benefits, or be recertified.
- State agencies shall also combine the figures collected in each certification office to determine the need for bilingual outreach materials in each project area.

WHAT DATA IS AVAILABLE ON PRIMARY LANGUAGES?

Census Data:

You can access a sample of data from the 2000 Census by going to the U.S. Census Bureau's website at www.census.gov. To access data for your community, go to the "Summary File 3" and select "Access to all tables and maps in American FactFinder." From here you will be given the option of selecting "Detailed Tables."

After selecting the geographic area you are interested in investigating, select tables numbered: PCT 10, PCT 11, PCT 12, PCT 13 and PCT 14 and then hit "show tables." This process should give you a basic sense of the number of households containing members who speak languages other than English. Of course, this data is not totally up-to-date and is not restricted to low-income households. Nevertheless, it will give you a starting place to determine the number of SLM households in your community.

Other Data:

Often, local school boards maintain data about the “language spoken at home” by its students. Check out the website of your local school board to see if it maintains such data.

Local organizations that serve immigrants may also maintain data about the number of low-income families they have served who speak a primary language other than English.

WHAT CAN I DO TO DETERMINE WHETHER MY FOOD STAMP OFFICE IS IN COMPLIANCE WITH THE FEDERAL BILINGUAL REQUIREMENTS?

1. Send a Freedom of Information Act request to your local Food Stamp agency to find out what materials it has (or hasn't) translated, and what steps it has (or hasn't) taken to ensure compliance with the bilingual requirements. A sample FOIA request is attached.
2. Gather your own data about primary languages by reviewing available census data and talking to local organizations that serve immigrants or other limited-English proficient households.

FOR MORE INFORMATION...

Please contact Anne Pearson at the Welfare Law Center. We are very interested in working with you to identify and address violations of the federal bilingual requirements. Our assistance can range from helping you to gather the data you need to determine whether the bilingual requirements are triggered, to developing and implementing an advocacy strategy to ensure compliance with those requirements. Please contact us for more information or assistance at:

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