



How Does the Law Protect LEP People?

Laws

- Title VI of the 1964 Civil Rights Act
- Executive Order 13166



Title VI of the 1964 Civil Rights Act

“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 of, or be subjected to discrimination under any program or activity receiving federal financial assistance”

Executive Order 13166

In August 2000, this Order – “Improving Access to Services for Persons with Limited English Proficiency” – was issued and directed federal agencies to:

- Publish guidance on how the programs and activities they fund can provide access to LEP persons.
- Improve the language accessibility of their own programs.
- Break down language barriers by implementing consistent standards of language assistance across federal agencies and among all recipients of federal financial assistance.

This order covers all federal and federally assisted programs and activities.

Who Must Comply

All programs and operations of entities that receive assistance from the federal government (i.e., recipients), including:

- State agencies
- Local agencies
- Private and non-profit entities
- Sub-recipients (entities that receive federal funding from one of the recipients listed above)
- All programs and operations of the federal government must also comply

Who Must Comply

Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP individuals to important services. (The federal government has the same obligations as a result of Executive Order 13166.)

Recipients include a broad range of providers, **INCLUDING** the courts.

Obligations for Courts

1. “Courts are required to provide interpreters for LEP persons in all court and court-annexed proceedings, including: civil; criminal; or administrative, including those presided over by non-judges.”
2. “Courts will provide interpreters at no cost to the LEP persons.”
3. “Courts must provide meaningful access to LEP persons to court functions that are conducted outside the courtroom. This includes, but is not limited to: information counters; intake or filing offices; cashiers; records rooms; sheriffs offices; probation and parole offices; alternative dispute resolution programs; pro se clinics; criminal diversion programs; anger management classes; and detention facilities.”
4. “Courts must provide interpreters or bilingual staff to ensure that LEP persons are able to communicate effectively with court appointed or court supervised personnel. Court appointed or court supervised personnel includes: criminal defense counsel, child advocates or guardians ad litem, court psychologists, probation officers, doctors, trustees, and other such individuals who are employed, paid, or supervised by the courts.”

For more information, visit www.lep.gov

Violations

The following four factors are considered to determine if an agency or organization is in violation.

Four Factors:

1. The number or proportion of LEP persons eligible to be served, likely to be served, or likely to be encountered by the program or grantee/recipient.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the program to people's lives.
4. The resources available to the grantee/recipient and costs.

What Must be Provided?

- Oral interpretation
- Bilingual staff
- Telephonic interpretation
- Written language services

Quick Quiz:

What to do if these things are NOT provided?

- a) Nothing. Forget about it. It's just the way it is.
- b) Nothing. The judge, doctor, or DSHS worker just doesn't "get it."
- c) Go talk to the judge, doctor, or DSHS worker about why language access is critical for victim safety.
- d) Ask my Executive Director or Coalition for help.
- e) Let the service provider know about their obligations under the Law.

Answer:

c, d, and e will help you do great advocacy for LEP persons!

More Options....

If survivors are not getting access to services because of language access issues, you can advocate to make changes in your community.

<http://www.lep.gov/> offers information and links to federal agencies charged with enforcing laws relating to language access.