

Language Access

Requirements for OJP and Grantees

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U.S. DEPARTMENT OF JUSTICE
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About Us

The **Office for Civil Rights (OCR)** ensures that recipients of financial assistance from the OJP comply with federal laws that prohibit discrimination in employment and the delivery of services or benefits.

The OCR also ensures the civil rights compliance of recipients of financial assistance from the Department of Justice's Office of Community Oriented Policing Services and Office on Violence Against Women.

[OCR Website](#)

[OCR Investigative Findings Page](#)



Why is Language Access Important?

Denial of Language Services: Deisy Garcia



“Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or ‘LEP,’ entitled to language assistance”

DOJ Guidance (57 Fed. Reg. 41,455)



Snapshot of the U.S. Population

- Approximately 25.5 million people over the age of 5 in the US are Limited-English-Proficient or LEP.
- Limited English Proficiency means you speak English less than “very well”.
- Top five LEP language groups:
 - 1) Spanish speakers= 16,299,869
 - 2) Chinese (including Mandarin and Cantonese) speakers = 1,765,741
 - 3) Vietnamese speakers = 883,545
 - 4) Tagalog speakers = 548,069
 - 5) Korean speakers = 546,850

[Source: 2021 ACS 5-Yr Estimate](#)



Key Terms

- limited English proficient (LEP)
- meaningful access
- interpreter
- translator
- vital information
- language access program
- language assistance services
- language access coordinator



Legal Basis- Title VI Protections

No person in the United States shall, on the ground of race, color, or **national origin**, be...subjected to discrimination under any **program or activity** receiving Federal financial assistance.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; 28 C.F.R. 42, Subpts. C and D.



Who is Subject to Title Vi Requirements?

Any “**program or activity**” that receives financial assistance from the DOJ = all operations of an organization receiving federal financial assistance, such as an entire department or office within a state or local government.



Example

A nonprofit organization providing reentry services receives federal funds and uses the funds to hire an Addiction Counselor to provide substance abuse counseling to members of the public.

What is the “program or activity” that is subject to nondiscrimination laws – just the services provided by the Addiction Counselor, or all of the activities of the organization?



Legal Basis- *Lau v. Nichols*

In *Lau v. Nichols*, 414 U.S. 563, 568-69 (1974)), the Supreme Court held that the Title VI prohibition against national origin discrimination includes the denial of services or benefits on the basis of English proficiency.



Requirements and Guidance for Grantees

- Title VI
- DOJ Nondiscrimination Regulations, 28 C.F.R. § 42
 - Title VI: [Subpart C](#)
 - Safe Streets Act and Juvenile Justice and Delinquency Prevention Act: [Subpart D](#)
- [Executive Order 13166](#) required federal agencies to:
 - Issue Title VI LEP guidance to recipients
 - Provide meaningful access in federally conducted programs
- [DOJ Guidance to FFA Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting LEP Persons](#)

Wednesday,
August 16, 2000

Part V

The President

Executive Order 13166—Improving Access to Services for Persons With Limited English Proficiency

Department of Justice

Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Notice



Meaningful Access

- *Lau v. Nichols*: Supreme Court held that a school system failed to provide a “meaningful opportunity” for non-English-speaking Chinese students to participate in the public educational program in violation of Title VI.
- Executive Order 13166
 - Requires federal agencies to work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries
 - “[R]ecipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.”



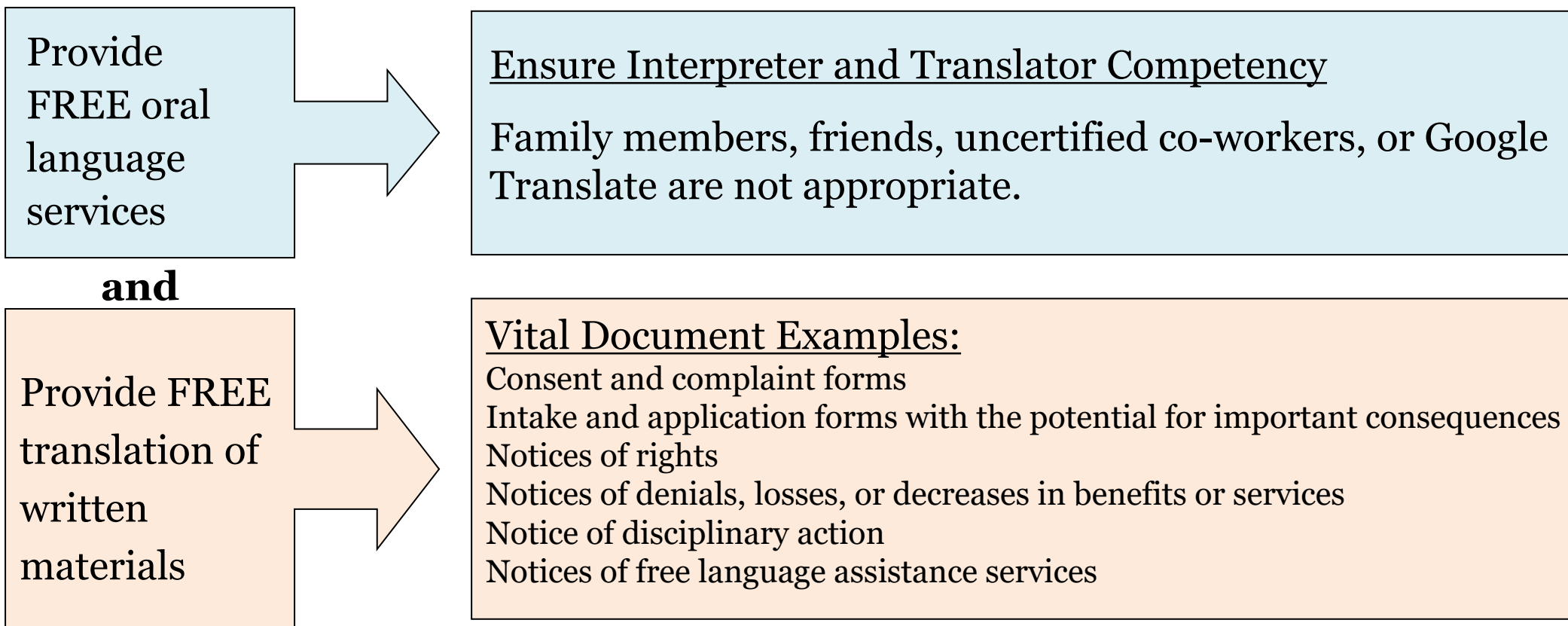
What is Limited English Proficiency (LEP)?

“Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or ‘LEP,’ entitled to language assistance”

DOJ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 57 Fed. Reg. 41,455 (June 18, 2002) (DOJ Guidance); DOJ Language Access Plan, Aug. 15, 2023.

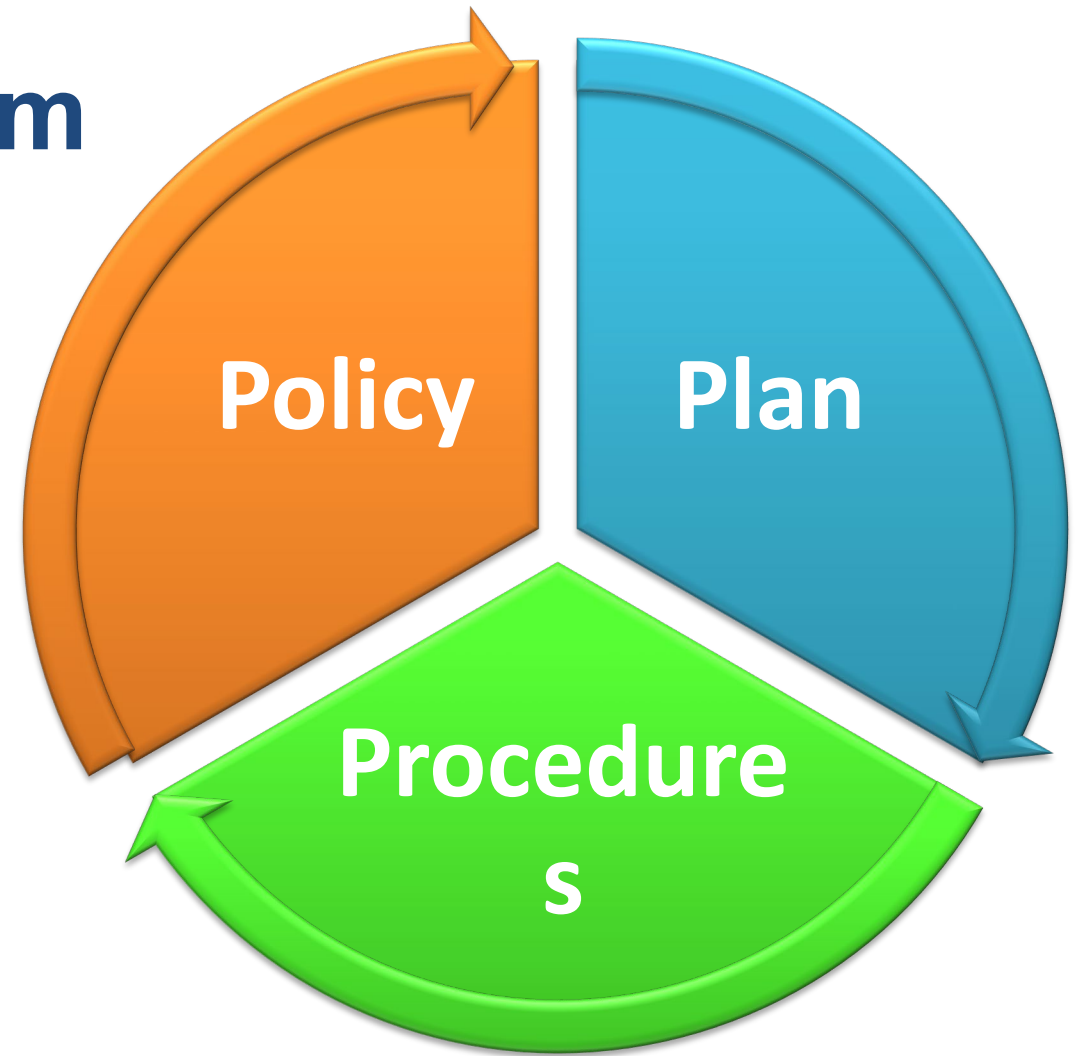


General Language Assistance Services



Language Access Program

- Policy
- Plan
- Procedures



Self-Assessment

How LEPs
Interact With
the Agency

Identify and
Assess LEP
Communities

Providing
Language
Assistance
Services

Train Staff on
Policies and
Procedures

Provide Notice
of Language
Services

Monitor,
Evaluate,
Update

[Language Access Assessment and Planning Tool.pdf \(lep.gov\)](https://www.lep.gov/language-access-assessment-and-planning-tool.pdf)



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Case Example: Volusia County Sheriff's Office

OCR Docket No. 10-OCR-0536

A Spanish-speaking LEP resident in Florida called 911 to report that her mother was assaulting her. There were no Spanish-speaking operators available and the 911 operator decided to not utilize a telephonic interpreter, deciding it was unnecessary and that enough information was gathered to dispatch deputies and EMS.

Three deputies arrived at the home of the victim and her husband, who is also LEP. The husband made repeated requests for an interpreter while trying to explain the situation in a mix of Spanish and English. The deputies decided an interpreter was unnecessary, believing they had full understanding of the situation.

The deputies became aggressive with the husband and ended up grabbing and bending the husband's arm to his back, dragged him outside the house, and throwing him against the wall.



Web Resources:

Tips and tools on how to comply with LEP requirements

- www.lep.gov
 - [I Speak Cards and Language Posters](#)
 - [Language Maps](#)

- [Training for Grantees](#)
 - [Service to LEP Persons](#)
 - [LEP Overview](#)

- [DOJ Intranet - Language Access Training Tools](#)



Questions?





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