

# Language Rights of Limited English Proficient Individuals

Tere Ramos  
Massachusetts Law Reform Institute



# Overview

This workshop will:

- Explain importance of language access as an essential right given changing US demographics;
- Describe the laws that make language access a federal requirement;
- Provide guidance in order to provide effective language assistance for persons who are LEP or Deaf and hard of hearing.

# Immigration Map

## Immigration Explorer

Select a foreign-born group to see how they settled across the United States.

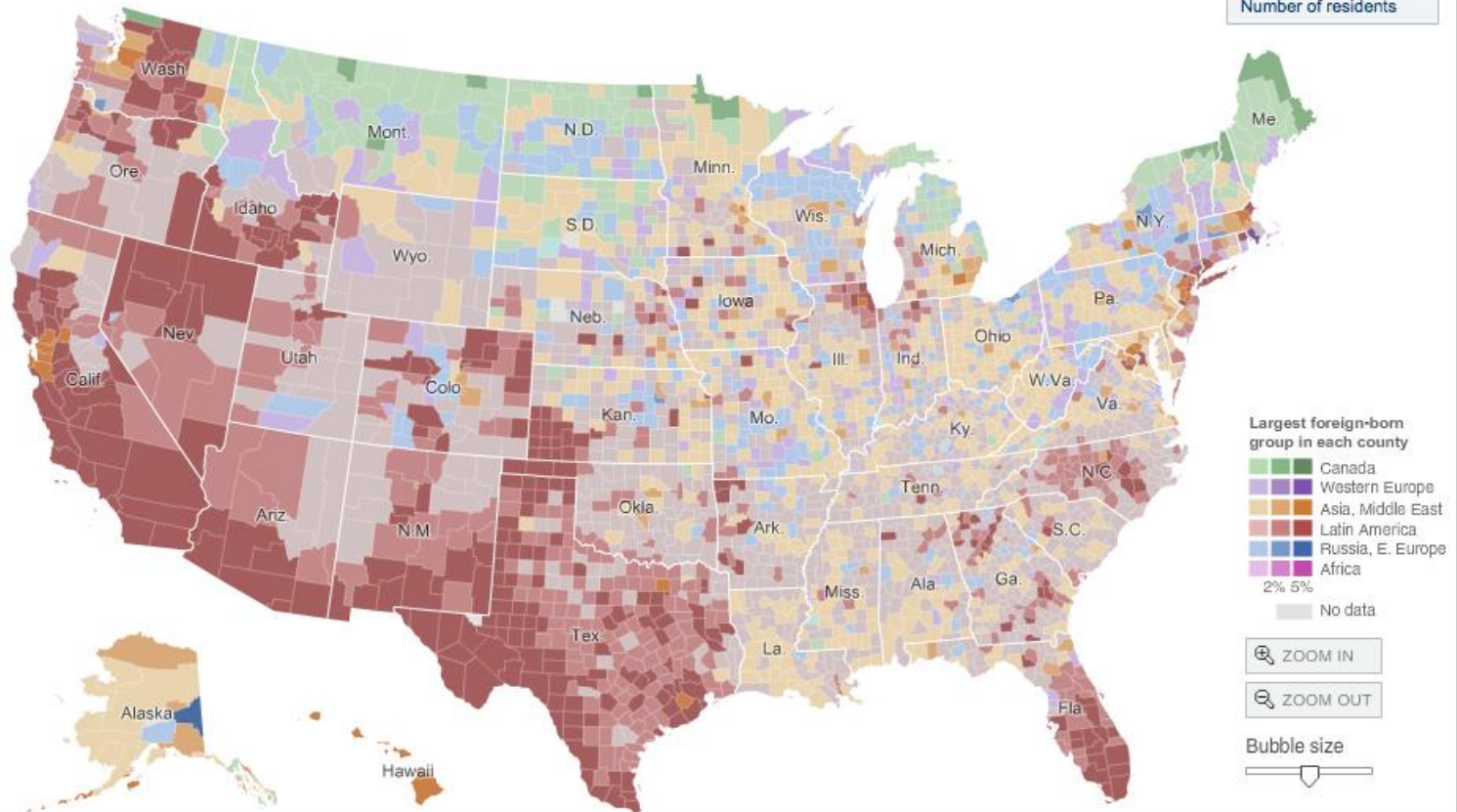
All Countries | ▼

1880 '90 1900 '10 1920 '30 1940 '50 1960 '70 1980 '90 2000

SHOW

Percent of population

Number of residents



<http://www.nytimes.com/interactive/2009/03/10/us/20090310-immigration-explorer.html?hp>

# Diversity in the Classroom

## Diversity in the Classroom

Immigration's impact is often first seen in the classroom. The increasing diversity of the nation's education system is the most detailed measure of where immigrants have settled in recent years. View demographic changes in more than 17,000 school districts across the nation — including your own.

[Explore the map of US immigration trends](#) | [Join a discussion about immigration and education](#)

### Overview

Search:

Search

Browse:

Massachusetts

County ...

United States

### Massachusetts

Massachusetts ranks 27th of 51 in diversity in the United States.

Students, in 2006		
White	692,955	73%
Black	79,365	8%
Hispanic	128,993	14%
Asian	46,147	5%
Native American	2,736	0%

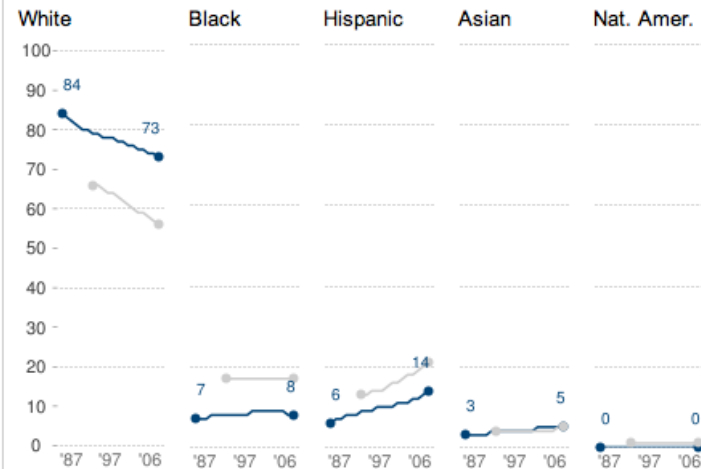
### Diversity Index

The percent chance that two students selected at random would be members of a different ethnic group. Higher numbers indicate a more diverse student body.

In 2006	44%
In 1987	28%

### Student Demographics

Massachusetts United States



[About this report](#)

Source: U.S. Department of Education, National Center for Education Statistics

# Legal Background



*"Hey, don't blame me. I don't make the laws  
—I just circumvent them."*

# Title VI of the Civil Rights Act of 1964

- Federal law prohibits discrimination based on race, color, or national origin in programs or activities **that receive federal financial assistance.**
- Recipient: Entity that receives FFA or operates “program or activity.”
- Title VI coverage includes all recipient and sub-recipient operations, including grants, loans, equipment, property or personnel.

# More Background

- Since 1970, OCR concluded Title VI national origin discrimination included language rights.
- Executive Order 13166 (2000) mandated language access in all federally funded programs.
- Over 28 Federal agencies have statutes, regulations, and/or guidance that impose civil rights obligations upon recipients of Federal financial assistance from these agencies.



# Who is an LEP person?

- “Individual with a limited ability to read, write, speak, and understand English.”
- Can be the family member of an English speaker who is involved in the care of that person.
- Person “does not have to be limited in all “speaking, reading, writing and comprehending.”
- “Flexibility” in addressing needs “should not diminish, and should not be used to minimize the obligation that those needs be addressed.” Must take “reasonable steps” to ensure access.

Executive Order 13166



# Meaningful Access and LEP

Figure 1



Source: Historical Photograph Collection of San Francisco Public Library's San Francisco History Center.

# *Lau v. Nichols*

414 U.S. 563 (1974)

- Students claimed that they were not receiving special help in school due to their inability to speak English.
- Argued lack of educational opportunities effectively denied them equal educational opportunities on the basis of their ethnicity.
- National origin discrimination includes failing to provide LEP individuals “**meaningful access**” to recipient programs.

# American with Disabilities Act (ADA)

- Prohibits disability discrimination by public and private entities.
- Title II deals with state and local government entities. Title III deals with private businesses.
- Must provide accommodations, unless doing so would fundamentally alter the nature of the service, or result in undue financial or administrative burden.

# Section 504 of the Rehab. Act

- First Federal civil rights law prohibits discrimination on basis of disability.
- Requires entities that are recipients of federal funds to provide equal opportunity and accommodations to participate and receive benefit from programs available to everyone.

# Enforcing Language Access



*"I say to hell with it. If it can't be said  
in English, it ain't worth saying at all."*

# What are the legal rights?

## The right to...

- Use public programs in **the preferred** language.
- Set language preference with the program at any time to receive materials in that language.
- Use the program's benefits or communicate in the preferred language.

**Even if the person has some command or knowledge of the language, if they understand better their own language, they can ask for it!**

# The right to an interpreter!

A person the same right as anyone else to use public programs in the native language.

## In all:

- ✓ schools,
- ✓ courts,
- ✓ public housing,
- ✓ public programs like SNAP
- ✓ and Unemployment Insurance

## In most:

- ✓ hospitals,
- ✓ doctors' offices

## Staff of public programs must:

- ✓ Talk in the language
- ✓ Help you as quickly as they can
- ✓ Respect you

*This is a right,  
not a gift!*



# Who is an appropriate interpreter?

## Appropriate:

- ✓ Professional
- ✓ Trained in subject
- ✓ Qualified
- ✓ Impartial



## NOT Appropriate:

- ✗ Minor children
- ✗ Doesn't know subject
- ✗ Unqualified to translate
- ✗ Partial



# What an interpreter can and cannot do

## An interpreter **should**:

- ✓ **Treat with respect**
- ✓ **Make sure they understand what everyone says**
- ✓ **Make sure client understands what they say**
- ✓ **Interpret everything everyone says**

## An interpreter **cannot**:

- ✗ **Change words**
- ✗ **Leave out information**
- ✗ **Talk about the client**
- ✗ **Take sides**
- ✗ **Tell someone what to do**

# Vital Documents

- Important written information must be translated!
- These include:
  - Applications
  - Notices
  - Appeal letters
  - Standard forms that are considered “vital” to a program
  - Income verification letters
  - School documents
  - Court notices

It if is a “vital” notice, it usually must be provided in a native language. If they do not provide it, *ask for it!*

# If Denied an Interpreter

**If someone you know does not get an interpreter, tell us!  
Call or text!**

**alo**

*(haitian creole)*

(617) 372-  
2154

REFIZE

**olá**

*(portuguese)*

(617) 371-  
7005

RECUSADO

**hola**

*(spanish)*

(857) 277-  
3041

NEGADO

**hello**

*(english)*

(260) 232-  
2557

DENIED

**alo**

*(vietnamese)*

(617) 331-  
8058

TU CHOI

[MassLegalHelp.org/interpreter](https://MassLegalHelp.org/interpreter)

**Or call (617) 357-0700 x 350**

# Complaints and Enforcement

- Any LEP individual or group can file a Title VI complaint.
- Civil rights offices at the federal agency investigates the complaint and enforce Title VI protections.
- If not sure which agency funds the entity, file the complaint with DOJ.

Find the complaint form at:

<http://go.usa.gov/bsd>

# There is also help online

[www.masslegalhelp.org](http://www.masslegalhelp.org)

**MassLegalHelp**  
Promovendo justiça em Massachusetts através de informações jurídicas

Busca

Informações Jurídicas Básicas

Crianças e Famílias | Emprego e Desemprego | Moradia | Renda e Benefícios | Saúde e Saúde Mental | Violência Doméstica | Emigração

Busca no web site:  
Google™ Pesquisa Pessoal

**TAFDC**  
**Vale-alimentação**  
**Assistência Emergencial - Abrigo**  
**EAEDC**  
**Seu Direito a um Intérprete**  
**Invalidez e Problemas de Saúde**  
**Impostos**

Português » **Informações Jurídicas Básicas** » **Renda e Benefícios** » Seu Direito a um Intérprete

**Seu Direito a um Intérprete**

|

**Eu tenho direito a um intérprete quando vou ao DTA (escritório de assistência social)?**

Sim. Se você não for completamente fluente em inglês, você tem direito a um intérprete toda vez que for ao escritório de assistência social. O escritório é obrigado a lhe oferecer um intérprete.

**E se eu falar um pouquinho de inglês?**

Ainda assim você tem direito a um intérprete. Se você se sente mais confortável falando sua língua nativa do que inglês, você tem direito a um intérprete. Você precisa entender tudo o que o assistente disser, e o assistente precisa entender tudo o que você disser. Do contrário, seu processo poderá ter problemas.

**Como solicito um intérprete?**

Diga à recepcionista ou ao assistente que você precisa de um intérprete.

Se eles não conseguirem entendê-lo eles devem lhe mostrar um cartão "Eu falo" ("**I Speak**"). Este cartão tem uma lista contendo várias línguas. Se você vir sua língua, aponte para que a recepcionista ou o assistente saibam que língua o intérprete deve falar. Se mesmo assim eles não te entenderem, eles devem usar o "Language Line" para pedir ajuda por telefone e descobrir que língua você fala.

[На русском языке](#)  
[English](#)  
[en español](#)  
[Tiếng Việt](#)

**Encontre Auxílio Legal**

Você pode ter direito a assistência jurídica gratuita do programa de auxílio jurídico de sua vizinhança. Se precisa de um advogado de graça, [Encontre Auxílio Legal](#)

# Questions?

Tere Ramos  
Language Access Attorney  
MA Law Reform Institute  
40 Court Street, Suite 800  
Boston, MA 02108  
Tel. (617) 357-0700 x 350  
Email: [tramos@mlri.org](mailto:tramos@mlri.org)



www.shutterstock.com · 203116408