

Federal and State Laws on Language Access

Montgomery County's LEP Policy is based on both federal and state laws and guidelines on language access. As a recipient of federal funds, Montgomery County is obligated to provide language assistance so LEP persons may have meaningful access to government programs and activities. The state of Maryland also has a law that requires language assistance to the LEP population by State agencies. These laws and guidelines intend to remove language barriers to government services and citizen rights (voting) and combat discrimination on the basis of national origin.

Federal Laws and Guidelines on Language Access

The federal government places a high priority on language access to federally funded services, whether in a state or local government agency. Several federal laws and guidelines mandate language assistance to LEP individuals.

[Title VI of the Civil Rights Act of 1964](#)

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on race, color, or national origin. It states, "*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.*" The application of Title VI extends to providing meaningful access to individuals who have limited English proficiency (LEP) as languages are related to national origins.

[The Voting Rights Act of 1975](#)

Section 203 of the Voting Rights Act (VRA) mandates language assistance if more than 10,000 or over 5 percent of the citizens of voting age in a jurisdiction are members of a single-language minority group who do not speak or understand English adequately enough to participate in the electoral process.

[Executive Order 13166 of 2000](#)

President Bill Clinton signed Executive Order 13166 in 2000, *Improving Access to Services for Persons with Limited English Proficiency to Federal Agencies*. The Executive Order requires all federal agencies to establish guidelines on providing meaningful access to LEP individuals in compliance with Title VI of the Civil Rights Act of 1964, and to issue guidelines to recipients of their funding to clarify what they must do to provide meaningful access to LEP persons.

Department of Justice Guidelines of 2001

The Civil Rights Division of the Department of Justice (DOJ) developed guidelines in 2001 that provided a four-factor test that federal agencies and other entities can use in the determination of “reasonable steps to ensure meaningful access.” These factors include:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by the program
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 individual’s lives
4. The resources available to the grantee/recipient and costs

According to DOJ guidelines, quality interpretation and translation services may be provided in numerous ways, including: 1) multilingual staff, 2) telephone interpreter lines, 3) written language services, and 4) community volunteers.

Montgomery County currently uses all four resources to provide language assistance.

Maryland Equal Access to Public Services Act of 2002

Maryland enacted the *Equal Access to Public Services—Individuals with Limited English Proficiency Act* in 2002. Chapter 141 of Act 2002 requires State agencies to take reasonable steps to provide equal access to public services for LEP individuals.

Under the State law, State agencies are required to translate “vital documents” into the language spoken by LEP population that constitutes **3 percent of the overall population** within the geographic area served by a local office. It also requires State agencies to provide LEP individuals with “oral language services.” “Vital documents” are defined as informational materials, brochures, posters, applications for benefits, licenses, and other services, client notice of action, and other documents as each department deems necessary.