

Language Access FAQs

- **What do the acronyms LEP and NEP stand for?**

LEP stands for Limited English Proficient. This refers to persons who do not speak English as their primary language and who speak, read, write, and understand English less than “very well.”

NEP stands for Non-English Proficient. This refers to an individual who cannot speak, read, write and/or understand the English language.

- **What is the DC Language Access Act of 2004?**

The DC Language Access Act of 2004 is a local piece of legislation that was enacted by Mayor Anthony A. Williams on April 21, 2004. The Act’s main purpose is to provide greater access and participation for LEP/NEP individuals to District government programs, activities and public services. View a copy of the [DC Language Access Act of 2004 and Fact Sheet](#).

- **Which District government agencies must comply with the provisions of the DC Language Access Act?**

The Language Access Act requires two types of agencies to comply with its provisions: covered *entities* and *covered entities with major public contact*.

- **What is a “covered entity”?**

A *covered entity* refers to any District government agency, department, or program that furnishes information or renders services, programs, or activities directly to the public or contracts with other entities, either directly or indirectly, to conduct programs, services, or activities. The term "covered entity" does not include the Advisory Neighborhood Commissions (ANCs).

- **What is a “covered entity with major public contact”?**

A *covered entity with major public contact* refers to a covered entity whose primary responsibility consists of meeting, contracting, and dealing with the public. Covered entities with major public contact are identified by name in the DC Language Access Act of 2004. These entities are:

Covered Agencies

1	Department of Corrections
2	Department of Consumer and Regulatory Affairs
3	Department of Mental Health
4	Office of the People’s Counsel
5	Department of Housing and Community Development
6	DC Public Schools
7	Department of Parks and Recreation

8	Department of Health
9	Office of Human Rights
10	Department of Human Services
11	Department of Public Works
12	Office of Contracting and Procurement
13	Department of Human Resources
14	Homeland Security & Emergency Management Agency
15	DC Public Library
16	Department of Employment Services
17	DC Office on Aging
18	Office of the Chief Financial Officer
19	Department of Motor Vehicles
20	Alcoholic Beverage Regulation Administration
21	DC Housing Authority
22	Child and Family Services Agency
23	Metropolitan Police Department
24	Fire and Emergency Medical Services
25	Office of Planning
26	DC Lottery and Charitable Games Control Board
27	Department of Small and Local Business Development
28	DC Office of Zoning
29	DC Department of Transportation
30	Office of the State Superintendent of Education
31	Office of Unified Communications
32	Department of Youth Rehabilitation Services
33	Department of Disability Services
34	Office of the Tenant Advocate
35	Department of the Environment

- **What does the DC Language Access Act require of covered entities?**

All covered entities as defined by the DC Language Access Act are required to do the following:

- Collect data on the language spoken by the LEP/NEP constituent populations they serve and encounter, or are likely to serve and encounter;
- Assess the need for and offer oral language services; and
- Provide written translation of vital documents into any non-English language spoken by a LEP/NEP population that constitutes 3 percent or 500 individuals, whichever is fewer, of the population served or encountered, or likely to be served or encountered by the covered entity.

- **The DC Language Access Act requires a phased implementation of District Government agencies. What is “phased implementation”?**

The DC Language Access Act calls for a phased implementation of its provisions. This means that at the beginning of each fiscal year from the date of the Act’s inception a group of agencies identified by name in the Act are required to be in compliance with the Language Access Act’s provisions.



- **What does the DC Language Access Act require of District government agencies identified by name in the Act?**

The agencies listed in the DC Language Access Act are considered to be *covered entities with major public contact*. Thus, they are required to be in compliance with the Act’s provisions within the indicated year of implementation.

- **What is the role of the Office of Human Rights and the Language Access Director?**

The Office of Human Rights (OHR) is the agency designated by the DC Language Access Act to oversee the implementation of the Act. The OHR, by way of the Language Access Program, provides oversight, central coordination, and technical assistance to covered entities in their implementation of the provisions of the Act. The program also works to ensure that the provision of services by covered entities meets acceptable standards of translation or interpretation. The Language Access Director is the official within the Office of Human Rights who coordinates and supervises the activities of District agencies, departments, and programs undertaken to comply with the provisions of the DC Language Access Act. The Language Access Director is responsible for the following:

- Reviewing and monitoring each covered entity’s language access plan for compliance with the DC Language Access Act and Title VI of the Civil Rights Act of 1964, as amended;
- Tracking, monitoring, and investigating public complaints regarding language access violations at covered entities;
- Issuing written findings of noncompliance, when necessary; to covered entities regarding failures to provide language access;
- Reviewing and monitoring the Language Access Coordinators with respect to their performance and responsibilities under the Act; and

- Consulting with Language Access Coordinators, the DC Language Access Coalition, and the heads of government offices that conduct outreach to communities with LEP/NEP populations.
- The Language Access Director also serves as the Language Access Coordinator for the Office of Human Rights.

- **What is a Language Access Coordinator?**

An agency Language Access Coordinator (LAC) is the designated employee of a covered entity with major public contact who coordinates and supervises his/her agency's Language Access activities and any other Language Access related endeavors undertaken to comply with the provisions of the Language Access Act.

In consultation with the Language Access director, the Language Access Coalition, and the Mayor's Office on African Affairs (OAA), Mayor's Offices on Asian and Pacific Islander Affairs (OAPIA) and Office on Latino Affairs (OLA), the Language Access coordinator is tasked with creating and implementing his/her agency's Biennial Language Access Plan (BLAP). Additionally, LACs report out on all Language Access activities, challenges and successes to the Language Access director.

- **What foreign languages are covered by the DC Language Access Act?**

Based on US Census Data for the year 2000, data from the Brookings Institution, and data collected by DC Public Schools and individual covered entities, the District government as a whole presently serves the following LEP foreign languages (presented in alphabetical order):

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| <ul style="list-style-type: none"> ● Amharic ● Chinese ● French | <ul style="list-style-type: none"> ● Korean ● Spanish ● Vietnamese | <p>These LEP foreign languages meet the Act's threshold of 3 percent or 500 individuals, whichever is fewer, of the LEP populations served or encountered or likely to be served or encountered by a covered entity.</p> |
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Although these language populations meet the threshold for the entire District, the Act requires that covered entities provide oral and written language services to their individual LEP constituent population(s) that meets the designated threshold of 3 percent or 500 individuals, whichever is fewer, of the population served or encountered or likely to be served or encountered. This means that covered entities may serve different LEP populations. For example, DC Public Schools (DCPS) presently serves LEP students in the languages of Amharic, Chinese, French, Spanish, and Vietnamese; yet the Alcoholic Beverage Regulation Administration (ABRA) presently serves a LEP population in the languages of Korean and Spanish.

- **What is the difference between translation and interpretation?**

“Translation” and “Interpretation” are terms often used interchangeably, even though their meanings are different.

Translation is rendering the meaning of a written text from a source language into a target language while retaining the meaning of the original source text.

Interpretation is the process of orally conveying the meaning of a source from the source’s language into the language of the native speaker who is seeking the service(s) and vice versa.

There are three common types of interpretation:

Consecutive Interpretation occurs when an interpreter interprets a speaker’s words orally after the speaker has communicated. The interpretation process follows in a consecutive manner. First a speaker speaks in one language, pauses, and gives the interpreter a few moments to interpret their words into the target language. This entails note taking and memory. A speaker should pause after two or three sentences to allow the interpreter to render his or her meaning faithfully into the target language.

Simultaneous Interpretation occurs when an interpreter speaks simultaneously with the source language speaker (i.e. while the client or service provider is still speaking). This usually entails auditory equipment for the listeners of the target language. Simultaneous interpretation works best in large settings, such as for public hearings or large events.

Sight Translation occurs when an interpreter reads a document written in one language and translates it orally into another language.

- **Does the District government provide free translation/interpretation services to the general public?**

It is the right of LEP/NEP persons to receive interpretation/translation services in their preferred language of communication free of charge from covered entities. Covered entities should have both oral and written language services available, at minimum, in the languages of their LEP constituencies that meet the “3 percent or 500 individuals” threshold designated by the Act.

The District government **does not** provide free interpretation services or document translations to non-District governmental agencies or individuals who are not accessing the District government. Persons or entities seeking such services should contact a qualified translation/interpretation vendor or a community-based organization that provides these types of services. Additionally, the Language Access Program as a general practice **does not** provide free interpretation services or document translations for District agencies. It is incumbent upon District agencies to fund such services individually.

- **What is a “vital document”?**

A vital document is an application, notice, complaint form, legal contract, and outreach material published by a covered entity in a tangible format that informs individuals about their rights or eligibility requirements for benefits and participation. The term “vital document” includes tax-related educational and outreach materials produced by the Office of Tax and Revenue (OTR), but shall not include tax forms and instructions.

- **What is a multilingual telephonic interpretation service?**

A multilingual telephonic interpretation service is an “over-the-phone” service that provides professionally trained and qualified interpreters in various languages. Covered entities with major public contact contract out with such a service, which allows District employees to communicate with LEP/NEP clients when the client is there in person and/or over the phone. The purpose of the service is to assist in the oral communication between an employee and the LEP/NEP client and vice versa when the employee is unable to orally communicate adequately in the language of the customer. Such services do not interpret word-for-word, but rather analyze the message of the employee and customer and accurately convey its original meaning to the recipient.

- **What are my rights under the DC Language Access Act as a LEP constituent?**

Covered entities are required by the DC Language Access Act to take reasonable steps to provide LEP/NEP constituents with oral and written language services in their requested language. Such entities are also to provide greater access, in general, to the services, programs, and activities of the District. Should a LEP/NEP constituent’s requested language not meet covered entities’ “threshold” as defined by the Act, covered entities are to take reasonable steps to identify the language and assist LEP/NEP constituents in the requested language.

- **What can I do if I am unable to access a service due to a language barrier?**

If you are a LEP/NEP constituent who is unable to access a District government service from a covered entity, you are entitled to file a Language Access complaint. Language Access complaints can be addressed in two ways: (1) informally, and (2) formally.

OHR encourages LEP/NEP individuals to first pursue the avenue for informal complaints with an agency if the action by the agency is not damaging or harmful to the individuals’ health, benefits, etc. Informal complaints and/or concerns should first be reported to the agency at which the issue occurred. This can be achieved by contacting the agency’s [Language Access Coordinator](#) if the complaint is being made against a covered entity with major public contact. Should the agency not have a language access coordinator, the individual should report the complaint to an agency supervisor and/or the Language Access director at OHR. Please be sure

to note the following so that we may best address your concern: (1) agency name, (2) date of incident, (3) time of incident, (4) location where incident occurred (i.e. address), and (5) name of the staff person encountered at the agency. All incidents reported to the Language Access coordinator, an agency supervisor, and/or the Language Access director will be brought to the attention of the agency director of the agency in question.

Formal Language Access complaints may be filed with the Office of Human Rights, whether in the form of a public complaint of non-compliance with a specific agency or whether in the form of an individual complaint of non-compliance. A “public complaint” of noncompliance refers to complaints generated by an individual, group, or organization alleging language access violations at covered entities. An “individual complaint” refers to a complaint generated by an individual who feels he/she has been directly harmed by an agency based on, for example, his/her national origin and/or race. View more [information on the formal complaint procedure and download a pre-complaint questionnaire](#).

- **Does the DC Language Access Act apply to federal government agencies/offices?**

The DC Language Access Act is a local law which applies solely to *District* government agencies, and in most cases, contractors and outside entities that receive funds from District government agencies covered by the Act.

However, the Language Access Act mirrors Title VI of the Civil Rights Act of 1964, as amended. Title VI prohibits federal agencies (and all entities that receive federal funding) from discriminating against persons based on their race and/or national origin. National origin discrimination under Title VI has been interpreted by the federal government in some cases to include discrimination on the basis of language. Thus, Title VI requires federal agencies and federally funded entities to provide LEP individuals meaningful access to their programs, services, and activities. The District of Columbia government is covered by both Title VI and the DC Language Access Act. For more information on federal guidelines for recipients of federal funds as it pertains to Title VI, please visit [LEP](#).

- **Does the Language Access Act affect persons with disabilities who require ASL (American Sign Language) interpretation or documents to be translated into Braille?**

The DC Language Access Act only specifically addresses written translation and oral interpretation services for foreign language speakers. However, the District government is under the jurisdiction of Title II of the Americans with Disabilities Act of 1990 (ADA)—a federal law requiring that the District communicate effectively with people who have hearing, vision, or speech disabilities. For further information on Title II of the ADA, please go to [ADA's website](#). Additionally, the OHR has local enforcement authority by way of the DC Human Rights Act of 1977, as amended, which covers “disability” as a protected category in the area of public accommodations. Learn more about the [DC Human Rights Act of 1977](#), as amended.

- **What is the DC Language Access Coalition?**

The DC Language Access Coalition is an established alliance of diverse community-based organizations in the District who voluntarily work with the District government to foster and promote the civil rights of immigrant and LEP communities by advocating for meaningful language access within the District. The DC Language Access Act is unique to other similar “equal access” legislations in that the DC Language Access Coalition—a non-governmental, non-Mayoral appointed group—actively participates and meets with the government on a regular basis. The Coalition serves as a consultative body to the Language Access Program and provides direct community feedback on Language Access activities and implementation.

Presently, the Coalition is comprised of members from the following community advocacy groups and organizations: African Resource Center; Asian American LEAD; Asian Pacific American Legal Resource Center; Asian and Pacific Islander Partnership for Health; Boat People S.O.S.; Chinatown Service Center; Columbia Heights/Shaw Family Support Collaborative; Council of Latino Agencies; DC Employment Justice Center; Ethiopian American Constituency Foundation; Ethiopian Community Development Council, Inc.; Families USA; La Clínica del Pueblo; DC Latino Coalition; Multicultural Community Service; Neighbors’ Consejo; Vietnamese American Community Service Center; Washington Lawyers’ Committee for Civil Rights; the Legal Aid Society of the District of Columbia.

- **What roles do the Mayor's Office on African Affairs (OAA), the Mayor's Office on Asian and Pacific Islander Affairs (OAPIA) and the Mayor's Office on Latino Affairs (OLA) play within the Language Access Program?**

The Mayor's Office on African Affairs (OAA), established in 2006, provides constituent services and information to African communities through programmatic activities and outreach materials; serves as a liaison between the African communities, District government agencies, and the Mayor; and provides briefings to the Mayor and District government agencies about the particular needs or interests of the African residents of the District of Columbia. Visit [OAA's website](#) for more information.

The Mayor's Office on Asian and Pacific Islander Affairs (OAPIA), established in 1987 pursuant to DC Act 14-85, is mandated to ensure that the full range of health, education, employment, and social services are available to the Asian and Pacific Islander (API) communities in the District of Columbia. OAPIA advises the Mayor, the DC Council, and the District of Columbia government on the views, needs, and concerns of the API communities. Visit [OAPIA's website](#) for more information.

The Mayor's Office on Latino Affairs (OLA), established in 1976 pursuant to DC Law 1-86, is mandated to improve the quality of life of DC Latinos by providing community-based grants, advocacy, community relations, and outreach services to residents, so they can have equal access to a full range of health, education, housing, economic development, and employment services. OLA advises the Mayor, the DC Council, and the District of Columbia government on the views, needs, and concerns of the local Latino community. Visit [OLA's website](#) for more information.

In partnership with the OHR, OAA, OAPIA and OLA have agreed to serve as collaborative and consultative bodies to the Language Access Program of the District of Columbia—given their expertise and knowledge pertaining to the delivery of culturally and linguistically competent and appropriate services for the Asian/Pacific Islander and Latino communities.

In this regard, the Offices will consult and collaborate with the Language Access Director (LAD), OHR, and the covered entities in their efforts to develop, update, and monitor the implementation of Language Action Plans pursuant to both the provisions found in the LAA and the scope of the mandates of their respective offices. As a result, OAA, OAPIA and OLA will support, assist, and guide the participating covered entities, the LAD, and OHR in the following areas:

- Data collection
- Outreach
- Quality Control
- Hiring of Bilingual Public Contact Positions (PCPs)