

# TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND CHILD WELFARE



# Title VI Requires...



“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.”

-Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d

# “NO PERSON...”



## Understanding the Concepts:

**“Person”** – Person carries broad meaning in Title VI. The statute protects residents, travelers, and citizens alike. Non-citizens and undocumented individuals, are “persons” for Title VI purposes.



...[SHALL] BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER...



- Recipients may not administer their programs or activities in a manner which “den[ies] any individual any disposition, service, financial aid, or benefit provided under the program,” or “restrict[s] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program.”
- Recipients may not “utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin . . . .”

*Department of Justice, Title VI Regulation*

# ...ANY PROGRAM OR ACTIVITY...



## **Program or activity means:**

**“[A]ll of the operations of...**

- State and local governments
- Educational institutions
- Corporations & private organizations\*

*[Including subrecipients therein]*

**...that receive federal financial assistance.”**

# ...RECEIVING FEDERAL FINANCIAL ASSISTANCE.”



## Federal financial assistance (FFA) does not have to be *monetary*:

1. Grants and loans,
2. Grants or donation of Federal property,
3. Detail of Federal personnel,
4. The sale, lease, or permission to use Federal property, *and*
5. Any Federal contract for the “provision of assistance.”

# ...NATIONAL ORIGIN...



## Understanding the Concepts:

**“National Origin”** – treating people unfavorably because of an individual’s, or his or her ancestor’s, place of origin or because an individual has the physical, cultural or linguistic characteristics of a national origin group.

# ...NATIONAL ORIGIN...



## Understanding the Concepts:

“**National Origin**” – National Origin discrimination *may* also include the failure to provide “meaningful access”\* to individuals with a limited ability to read, write, speak, or understand English.

\**Lau v. Nichols* directs recipients of federal financial assistance to provide “meaningful access” to **limited English proficient (LEP)** individuals or risk a finding of national origin discrimination.



# LIMITED ENGLISH PROFICIENCY (LEP)

## Providing “Meaningful Access”

Federal funding recipients should provide language assistance that results in **accurate, timely, and effective communication** at no cost to the LEP individual.

Meaningful access is **not significantly restricted, delayed or inferior** as compared to programs or activities provided to English-speaking individuals.

## Executive Order No. 13166



The Order **requires** any **federal agency** extending FFA to issue guidance explaining the obligations of their recipients to ensure **meaningful access** to LEP individuals and communities.



# Resources

## **Title VI Resources**

- Title VI of The Civil Rights Act of 1964, <http://www.justice.gov/crt/about/cor/coord/titlevi.php>
- Executive Order 12250, <http://www.justice.gov/crt/about/cor/12250.php>
- Executive Order 13166, <http://www.justice.gov/crt/about/cor/13166.php>
- Title VI Coordination Regulations, <http://www.justice.gov/crt/about/cor/byagency/28cfr424.pdf>
- Title VI Enforcement Guidelines, <http://www.justice.gov/crt/about/cor/byagency/28cfr503.pdf>
- Title VI Legal Manual, <http://www.justice.gov/crt/about/cor/coord/vimanual.pdf>
- Commonly Asked Questions and Answers Regarding the Protection of Limited English Proficient (LEP) Individuals under Title VI of the Civil Rights Act of 1964 and Title VI Regulations, [http://www.lep.gov/faqs/042511\\_Q&A\\_Title\\_VI\\_and\\_Regulations.pdf](http://www.lep.gov/faqs/042511_Q&A_Title_VI_and_Regulations.pdf)
- Protecting Against Race, Color, and National Origin Discrimination by Recipients of Federal Funds, 4-year report, July 2013, [http://www.justice.gov/crt/about/cor/4yr\\_report.pdf](http://www.justice.gov/crt/about/cor/4yr_report.pdf)
- Department of Justice Agreements, Resolutions, and Enforcement of Title VI, <http://www.justice.gov/crt/about/cor/agreements.php>
- Title VI Appellate Briefs and Opinions, [http://www.justice.gov/crt/about/app/briefs\\_vi.php](http://www.justice.gov/crt/about/app/briefs_vi.php)
- Title VI and LEP Videos, <http://go.usa.gov/EFi>
- Title VI Civil Rights Newsletters, <http://www.justice.gov/crt/about/cor/pubs.php>
- Language Access Assessment and Planning Tool, <http://go.usa.gov/jpl>
- Federal Interagency Working Group on Limited English Proficiency, [www.lep.gov](http://www.lep.gov)

# Contact Information

11

**KEVONNE SMALL**  
**(202) 616-9692**  
**KEVONNE.SMALL@USDOJ.GOV**

**U.S. DEPARTMENT OF JUSTICE**  
**CIVIL RIGHTS DIVISION**  
**FEDERAL COORDINATION & COMPLIANCE**  
**SECTION**