Office of the New York Attorney General Letitia James

Language access in New York

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ASL videos of this publication are available:

ag.ny.gov/language access

If you are limited English proficient (LEP), deaf, or hard of hearing, you have the right to services and assistance that allow you to access important programs, activities, and institutions in New York. This is called **language access**.

Language access is necessary to ensure that every person in our state has an equal opportunity to participate fully in society. It allows you to make informed decisions about your health care, your children's education, and where you live. And it ensures that you have equal access to vital government services, like calling for emergency help, going to court, or renewing your driver's license.

If you are LEP, deaf, or hard of hearing, in some situations you are entitled to free communication services, including:

- spoken interpretation into your primary language

- written translation into the most commonly spoken languages in New York

- American Sign Language (ASL) interpretation

These rights are protected by state and federal laws that cannot be altered by presidential orders or policies.

The Office of the New York Attorney General (OAG) is committed to defending these rights, and to ensuring that you are aware of your language-access rights under state and federal law.

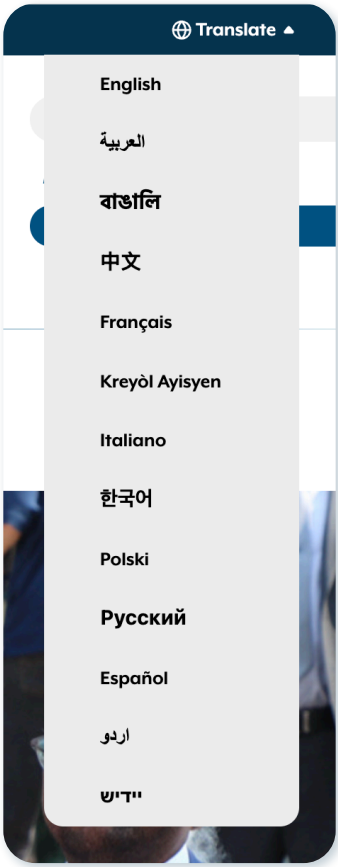
How to use this guide

We have organized this guide by topic, including:

- your rights to interpretation and translation services in New York
- your language-access rights when receiving medical care, interacting with schools, dealing with law enforcement, and voting
- how state and federal laws protect these rights
- how to make a complaint if you have not received language-access services

For **legal professionals** and other advocates, we have provided references to supporting laws and cases in the **notes at the end of this guide**.

Note: This guide is current as of January 2026. Federal regulations cited in this document are current as of that date but may change.



Access to interpretation and translation services

Spoken and American Sign Language interpretation services in New York

There are many situations in which you should receive free spoken or American Sign Language (ASL) interpretation services. Here are some of the most common situations in which you should receive those services:

Health care

- When you are a patient in a hospital or emergency room.
- When you visit a pharmacy for a prescription.[1]

Public services

- When you seek services or benefits from a state agency, such as the state Department of Motor Vehicles (DMV),[2] the Workers' Compensation Board, or the Department of Taxation and Finance.[3]
- When you seek services or benefits from agencies of cities and counties that have local language-access laws or executive orders. These include New York City and Westchester, Suffolk, and Nassau counties.[4]
- When you seek federal assistance after a major disaster or emergency.[5]
- When you apply for Medicare or Medicaid.[6]
- When you apply for Supplemental Nutrition Assistance Program (SNAP) benefits.[7]
- When you apply for Emergency Assistance and other forms of Temporary Assistance from the New York State Office of Temporary and Disability Assistance and local social service districts. These forms of assistance include cash assistance and payments for temporary housing, shelters, and utilities.[8]

Court proceedings

- When you are a party (for example, a plaintiff, defendant, petitioner, or respondent) or a witness in a criminal or civil proceeding in state court.[9]
- When you are the parent or guardian of a child who is the subject of a Family Court proceeding.[10]
- When you are a party or witness in a civil or criminal proceeding in federal court.[11]
- When you are a party in an immigration court proceeding.[12]
- When you are a party or witness in a proceeding held by a state agency to resolve a dispute, if you are deaf or hard of hearing.[13] These proceedings resolve a range of disputes, including denials of applications for benefits and licenses, and penalties for violating the law.

Law enforcement

- When you have a telephone call or pre-planned appointment with an employee of the New York State Police.[14] State troopers must also give you free interpretation services during in-person encounters in the field or at police offices,[15] unless the encounter happens during an emergency or a situation involving criminal apprehension where time is of the essence.[16]
- When you are asked by a New York City Police Department (NYPD) officer to consent to a search of your person, vehicle, home, or property when the officer requires your knowing consent. This could happen if the officer does not have a search warrant or probable cause and you are not under arrest.[17]
- When you appear before the state parole board for an interview or hearing.[18]

Voting

- If you need assistance while voting.[19]

You can learn more about your language-access rights in specific situations in the sections of this guide that deal with **medical care**, **schools**, **law enforcement**, and **voting**.

Written translation services in New York

Some agencies and organizations are required by law to provide you with free written translations of documents in certain languages. Some types of information, such as prescription medication labels and information about your salary and wages, must be provided in your primary language. Other types of information, such as documents from state agencies and materials related to voting and elections, will only be provided in the most common non-English languages in the state or your local area. You can learn more about these specific translation requirements in the references.

Here are some of the most common situations in which you should receive written translation services:

Health care

- When you visit a pharmacy for prescription medication.[20]
- When you are a patient in a hospital or emergency room, under some circumstances.[21]

Public services

- When you seek services or benefits from a state agency, such as the state DMV,[22] the Workers' Compensation Board, or the Department of Taxation and Finance.[23]
- When you seek services or benefits from agencies of cities and counties with local language-access laws or executive orders, such as New York City and Westchester, Suffolk, and Nassau counties.[24]
- If you are experiencing homelessness or residing in a shelter and interact with New York City's Department of Homeless Services.[25]
- When you apply for Medicare or Medicaid.[26]
- When you apply for SNAP benefits.[27]

Voting

- If you need help reading written materials when you vote.[28]

Employment

- When you receive information about your salary or wages from a new employer or request information about workers' compensation benefits from the Workers' Compensation Board.[29]

You can learn more about your language-access rights in specific situations in the sections of this guide that deal with **medical care**, **schools**, **law enforcement**, and **voting**.

New York state agencies required to provide interpretation and translation services

The **New York State Language Access Law** applies to state agencies that provide services or benefits to the public.[30] Currently, 50 state agencies, including the DMV, the Department of Taxation and Finance, the Division of Human Rights, and the Workers' Compensation Board, are required under the Language Access Law to provide translations of vital documents and interpretation services.[31] **Vital documents** are "any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law."[32] A complete list of the agencies that must provide these language-access services is available in the Office of General Services' New York State Language Access Directory (https://ogs.ny.gov/language-access-directory).[33]

Under the Language Access Law, these agencies must provide vital documents in the **12 most common non-English languages** spoken by LEP New Yorkers, based on census data. As of 2025, these languages are:

- Arabic
- Bengali
- Chinese
- French
- Haitian Creole
- Italian
- Korean
- Polish
- Russian
- Spanish
- Urdu
- Yiddish[34]

If you are obtaining agency services or benefits, these agencies must provide free **interpretation services** in your primary language, even if it is not one of the 12 most common non-English languages.[35]

The state Language Access Law does not apply to federal, county, or city agencies, but federal and state antidiscrimination laws may protect your language-access rights when you interact with county and municipal agencies. In addition, some counties and cities in New York have adopted the Language Access Law or passed their own language-access laws and executive orders.

New York City law requires city agencies that provide direct public services to offer telephonic interpretation in at least 100 languages.[36] In addition, those agencies must translate their most commonly distributed documents into Spanish, Chinese, Russian, Bengali, Haitian Creole, Korean, Arabic, Urdu, French, and Polish.[37]

Westchester County,[38] **Suffolk County**,[39] **Nassau County**,[40] and **Monroe County**[41] have their own laws, executive orders, or language-access plans that require translation and interpretation services in agencies that provide services to the public.

Medical language access

If you are LEP, deaf, or hard of hearing, you are entitled to language-access services when you receive medical care or visit most pharmacies in New York. These rights are protected by state and federal laws and regulations.

Language access in hospitals

All general hospitals[42] in New York state must provide you with a skilled interpreter if you are LEP, deaf, or hard of hearing and are receiving inpatient, outpatient, or emergency services.[43] General hospitals must take certain steps to ensure that these language-access services are provided to you and all other patients who need them. These steps include:

- not making you rely for interpretation on a family member, friend, or other person who does not work for the hospital, unless you agree to use the person as an interpreter, and you have been offered and have refused free interpreter services[44]
- identifying your preferred language and language needs the first time you come to the hospital for care[45]
- documenting in your medical records your language preferences and needs, and your acceptance or refusal of language-assistance services[46]
- developing materials for patients and potential patients that will explain how to access free language-assistance services[47]
- posting signs in public locations regarding the availability of free language-assistance services[48]
- providing ongoing education and training for employees who work directly with patients about the importance of providing language-assistance services and how these services may be accessed on behalf of patients[49]

If you are a deaf or hard-of-hearing hospital patient in an inpatient or outpatient setting, the hospital generally must provide you a skilled interpreter **within 20 minutes** of a request.[50] If you are receiving emergency services, the hospital generally must provide you an interpreter **within 10 minutes** of a request.[51]

Language access in pharmacies

Under state law, pharmacies that are part of a group of eight or more pharmacies in New York that have the same owner must offer you free, competent interpretation and translation services if you are LEP and request language assistance.[52] Brick-and-mortar pharmacies and mail-order pharmacies must provide you free, competent oral interpretation and written translation services when they give you information about prescription medications, or when you give them necessary information for your patient medication profile.[53] These pharmacies must also provide free, competent oral interpretation and translation services to help you understand prescription medication labels, warning labels, and other written materials.[54]

Antidiscrimination protections in health care

Antidiscrimination laws also protect your language-access rights when you seek medical care and related services.

If you are LEP, deaf, or hard of hearing, the **Affordable Care Act** (ACA) protects you from discrimination by health programs and activities that receive federal funding or are administered by a federal executive agency.[55] This protection applies to many hospitals, clinics, and nursing homes, as well as services such as Medicaid and Medicare. Under the ACA's implementing regulations, these health programs and activities also must provide free auxiliary aids and services to deaf and hard-of-hearing individuals.[56] Another law, the **Rehabilitation Act**, likewise requires health care providers that receive federal funding to provide auxiliary aids and services to deaf and hard-of-hearing people.[57]

The **Americans with Disabilities Act** has similar requirements for all private and public health care facilities and providers, regardless of whether they receive federal funds.[58]

The **New York State Human Rights Law** requires hospitals and medical clinics in New York state to provide auxiliary aids and services to deaf and hard-of-hearing patients.[59] The **New York City Human Rights Law** has similar requirements for hospitals and medical clinics in New York City.[60]

Education language access

Public schools in New York must ensure that English language learner (ELL),[61] deaf, and hard-of-hearing students have equal opportunities to learn and participate in school activities. If you are an LEP, deaf, or hard-of-hearing parent, you also have language-access rights when you interact with your child's school. These rights are protected by federal and state laws.

Protections for English language learner students

Under federal and state law, public schools must ensure that ELL students have an equal opportunity to learn and benefit from school resources.

Federal legal protections. The federal Equal Education Opportunity Act (EEOA) requires school districts to provide language supports and services that address students' language barriers.[62] Schools must ensure that any alternative education programs for ELL students provide educational opportunities equal to those enjoyed by English-speaking students in the district.[63] Similarly, Title VI of the Civil Rights Act of 1964 prohibits schools from discriminating against ELL students because of their national origin by providing an inferior education.[64]

Another federal law, the Individuals with Disabilities Education Act (IDEA), provides language-access protections for students with disabilities and their parents or guardians, including the following:

- School districts must evaluate students for special services and individualized education programs (IEPs) in the language that is most comfortable for the student.[65]
- IEP teams must factor students' language and communication needs into the students' educational programs.[66]
- Schools that receive federal funding for students with disabilities must translate documents related to the evaluation and placement of students with disabilities into parents' native languages, unless it clearly would be impossible to do so.[67]

State legal protections. New York laws and regulations provide additional protections for ELL students.

In New York state, school districts must provide ELL students equal access to all programs and services they offer.[68] The New York Constitution guarantees all children the right to a sound, basic education, regardless of language barriers.[69] In addition, several state laws prohibit discrimination against students based on disability, national origin, race, and other protected statuses.[70]

Other state laws and regulations require school districts to provide **specific accommodations and services for ELL students**:[71]

- School districts in New York state must conduct diagnostic screening of all new students to identify ELL students.[72] The screening must be conducted by someone who can communicate in the student's native language if a language other than English is spoken in the student's home.[73]
- For students identified as ELLs, districts must provide bilingual education or English as a New Language (formerly known as "English as a Second Language," or "ESL") programs that meet important state standards and requirements.[74] You can learn more about these programs in the New York State Education Department's *Guide for Parents of ELLs in New York State (*https://www.nysed.gov/bilingual-ed/guide-parents-english-language-learners-and-multilingual-learners-new-york-state), which is available in 26 languages.

Charter schools must follow all federal and state requirements for identifying and assessing ELL students. Charter schools must also provide bilingual education or English as a New Language programs that meet the same state standards that apply to public schools, or they must provide "an alternative language instruction educational program based on scientifically based research and approved by their charter entity."[75]

ELL students in **New York City's public schools** have additional legal protections. Under a type of court-enforced agreement known as a consent decree, the city's public school system is required to develop a method for identifying ELL students and a system of language services that provides ELL students an adequate bilingual education.[76]

Protections for deaf and hard-of-hearing students

Federal legal protections. The Individuals with Disabilities Education Act (IDEA) requires public schools to provide deaf and hard-of-hearing K–12 students with support services that allow them to make appropriate educational progress for their age and abilities.[77]

The Americans with Disabilities Act and the Rehabilitation Act provide protections for deaf and hard-of-hearing students that may go beyond those provided by the IDEA.[78] For instance, the ADA requires schools to provide accommodations that ensure that communications with deaf and hard-of-hearing students are as effective as communications with hearing students.[79] The ADA also requires schools to prioritize deaf and hard-of-hearing students' preferences for the types of auxiliary aids and services they receive.[80]

The accommodations that schools must provide under these laws depend on each student's individual needs. They may include, as appropriate, speech and language therapy,[81] word-for-word transcription services,[82] classroom notes, preferential seating, a frequency modulation (FM) system, or a specially trained teacher for the deaf and hard of hearing.[83]

The ADA's protections apply to public and private schools.[84] The Rehabilitation Act's protections apply to public schools and private schools that receive federal funding.[85] Both the ADA and the Rehabilitation Act apply to colleges and universities.[86]

State legal protections. New York state law prohibits discrimination against deaf and hard-of-hearing students.[87]

Protections for parents and guardians

Under federal and state law, schools must provide language-access services that allow **LEP, deaf, and hard-of-hearing parents** to meaningfully participate in their children's education. Schools must also provide special supports for **parents of ELL students**. These protections apply equally to guardians, stepparents, and all other adults with custody of a student.

Federal legal protections. Federal antidiscrimination laws require public schools to provide auxiliary aids and services to LEP, deaf, and hard-of-hearing parents under some circumstances. For instance, schools must provide ASL interpreters to deaf and hard-of-hearing parents at school-initiated activities related to their children's education, such as parent-teacher conferences.[88] Schools also must provide accommodations that allow LEP, deaf, and hard-of-hearing parents of students with disabilities to meaningfully participate in the planning and decision-making related to their children's IEPs.[89]

State legal protections. All school districts in New York state must provide parents of ELL students appropriate information to support their children's education. Each district must offer these parents a high-quality orientation session that provides important information about their children's program choices and the relevant state standards and annual assessments.[90]

At least once a year, districts must meet with each parent of an ELL student to review the student's language development progress and the goals of the child's program.[91] Districts must hold these meetings separately from other meetings that are offered to all parents, such as parent-teacher conferences and quarterly progress meetings.[92] For these meetings, districts must provide LEP parents with a qualified interpreter in the language or mode of communication the parent understands best.[93]

Special protections apply to **school discipline**.

When a school plans to suspend a student for up to five days:

- The school must immediately notify the student's parents in writing, in the parents' main language or mode of communication.[94]
- The notification must provide a description of the incident and inform the parents of their right to request an immediate informal conference with the school principal to challenge the suspension.[95]
- If an informal conference is held, it must be conducted in the parents' main language or mode of communication.[96]

If a suspension is longer than five days, the student is entitled to a fair hearing.[97] In these hearings, students have the right to be represented by an attorney, to present and question witnesses, and to submit evidence.[98] ELL students and LEP parents can request that the school provide an interpreter for fair hearings.[99]

If you are a parent of a student in the **New York City Public Schools** (NYCPS), you have the right to translation and interpretation services if you request language assistance to communicate with NYCPS staff.[100] You can find more information about your language-access rights when interacting with NYCPS staff on NYCPS's website (https://www.schools.nyc.gov/school-life/school-environment/hello) and in the Parents' Bill of Rights (https://www.schools.nyc.gov/school-life/know-your-rights/parents-bill-of-rights).

Law enforcement language access

Your language-access rights with law enforcement will depend on the agency you are dealing with.

New York State Police

Like other state agencies covered by New York's Language Access Law, the State Police must provide spoken interpretation services in any language you speak.[101] They must also provide written translations of important agency documents in the 12 most common non-English languages spoken by LEP New Yorkers.[102]

In addition, officers and other employees of the State Police must provide free interpretation services during telephone calls and pre-planned appointments.[103] They must also give you free interpretation services during in-person encounters in the field or at police offices,[104] unless the encounter happens during an emergency or a situation involving criminal apprehension where time is of the essence.[105] The State Police must offer you interpretation services during some arrests where time is less critical.[106]

New York City Police Department (NYPD)

The NYPD is required under New York City law to provide language-access services, including:

- free interpretation services
- translations of the NYPD's most commonly distributed documents
- posting signs informing the public about these language-access services[107]

If you need interpretation services, the NYPD typically must provide an NYPD-certified interpreter or use its Language Line service.[108] However, NYPD policy allows officers to use adult "bilingual community members to assist in providing immediate services to LEP individuals to determine if a crime has occurred, to render or obtain medical treatment, or to apprehend perpetrators of a crime."[109] Children should never be used as interpreters for any kind of police incident.[110]

Domestic violence

Anywhere in New York state, if you are a survivor or victim of a family offense (such as harassment, menacing, stalking, or sexual abuse), any law enforcement officer or prosecutor who investigates the incident must give you a written notice of your legal rights in plain English, Spanish, Chinese, or Russian. That notice must include, among other things:

- the New York State 24-hour Domestic and Sexual Violence Hotline number, which can provide information in many languages (**call 1-800-942-6906** or **text 1-844-997-2121**)
- an instruction for deaf and hard-of-hearing individuals to call 711[111]

If you are a survivor or victim of domestic violence, you can find more resources for help and support on the New York State Office for the Prevention of Domestic Violence's website (https://opdv.ny.gov/survivors-victims).

Federal Immigrations and Customs Enforcement (ICE)

If ICE agents come to your door or stop you for questioning, you have the right to remain silent. You also have the right to refuse to sign any documents you cannot read. According to ICE policy, ICE facilities should provide LEP, deaf, and hard-of-hearing detainees with communication assistance, including auxiliary aids and services, interpreters, and translation services.[112] However, this policy can only be enforced by ICE itself and may change.

Language-access rights for deaf and hard-of-hearing individuals under federal law

If you are deaf or hard of hearing, you have language-access rights under federal law when dealing with law enforcement agencies.

The **Americans with Disabilities Act** applies to encounters you have with state and local law enforcement, including arrests and interrogations by state, county, and municipal law enforcement agencies.[113] These agencies include the State Police, county sheriffs, city police departments, and other local police departments. Under the ADA, law enforcement officers must provide deaf and hard-of-hearing people with **reasonable accommodations** for effective communication, such as interpreters or auxiliary aids.[114] Officers must provide a reasonable accommodation when you request one or when there is an obvious need for one.[115] However, whether a specific accommodation is reasonable depends on the circumstances of the encounter. In addition, officers may not be able to provide any accommodation in an emergency, or if providing the accommodation would endanger the safety of officers or others, allow the destruction of evidence, or compromise legitimate law enforcement efforts.[116]

The **Rehabilitation Act** provides similar protections in encounters you have with federal executive agencies, including ICE.[117] This law also applies to state, county, and local law enforcement agencies that receive federal funding.[118]

Constitutional protections

The U.S. Constitution provides some limited language-access protections in criminal investigations conducted by state and federal law enforcement officers. If officers do not provide a *Miranda* warning you can understand, anything incriminating you say may not be allowed into court as evidence of your guilt in a criminal trial.[119] In a similar way, if officers ask you to voluntarily consent to a search of your clothes, vehicle, home, or other property, you must be able to understand their request.[120] If you do not understand the request but officers conduct the search anyway, your lawyer may be able to challenge a prosecutor's ability to use anything the officers discover during the search as evidence of a crime.[121]

Voting language access

If you are LEP, deaf, or hard of hearing, you have the right to free language-access assistance when you vote in New York.

Federal Voting Rights Act (VRA)

The federal VRA prohibits voting practices or procedures that discriminate against people who are deaf or hard of hearing, or members of language-minority groups.[122] The VRA defines members of language-minority groups as "persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage."[123] In addition, federal law requires that election-related materials and voting systems must be accessible to LEP members of language-minority groups.[124]

If you are LEP, deaf, or hard of hearing, you are permitted under the VRA to bring a person of your choice to assist you with voting, as long as that person is not your employer or union representative.[125]

Under the VRA, certain New York counties must provide supplemental language assistance in the languages of specific language-minority groups.[126] This required assistance includes translations of voting materials, such as ballots, voter registration forms, voting notices, instructions, assistance, and other materials and information related to elections.[127] The following New York counties must provide language-access assistance to members of the listed language-minority groups:

- Bronx County: Hispanic
- Kings County: Hispanic and Chinese, including Taiwanese
- Monroe County: Hispanic
- Nassau County: Hispanic
- New York County: Hispanic and Chinese, including Taiwanese
- Queens County: Hispanic; Asian Indian, including Sikh; Bangladeshi; Chinese, including Taiwanese; and Korean
- Suffolk County: Hispanic
- Westchester County: Hispanic[128]

New York State Voting Rights Act (NYVRA)

New York has its own Voting Rights Act, which requires additional supports for LEP voters at local polling places. The NYVRA requires local jurisdictions (for example, counties, cities, towns, villages, and school districts) and boards of election to provide voting materials in non-English languages if certain conditions are met. These conditions include either of the following:

- More than two percent of the citizens of voting age in a local jurisdiction are LEP members of a single language-minority group.[129] There must be 300 or more such citizens in the local jurisdiction.[130]
- More than 4,000 citizens of voting age in the local jurisdiction are LEP members of a single language-minority group.[131]

If either of these conditions are met, the local jurisdiction or board of elections must provide the following language-access supports in the appropriate non-English language or languages:

- ballots
- registration or voting notices
- forms and instructions
- voting assistance
- other election-related materials or information[132]

The New York State Board of Elections publishes lists of local jurisdictions that must provide language assistance for voters. You can find these lists, as well as more information about the NYVRA, on the New York State Board of Elections' website (https://elections.ny.gov/john-r-lewis-voting-rights-act-new-york).

New York protections

A broad web of state and local laws, executive orders, and policies protects your language-access rights in New York. Some of these laws **prohibit discrimination** based on the language you speak or your ability to hear. Other laws require government agencies, health care providers, pharmacies, courts, polling places, employers, and many other services and activities to **take active measures** to provide you with language-access accommodations, aids, and services.

Laws that prohibit discrimination

State and local antidiscrimination laws prohibit two main types of discrimination related to language access:

- Discrimination against those who cannot speak English fluently can be national-origin discrimination if it is motivated by prejudice toward people of a specific nationality.[133]
- Refusing to provide reasonable accommodations or denying services to deaf or hard-of-hearing individuals can be disability discrimination.[134]

The **New York State Human Rights Law** (https://dhr.ny.gov/new-york-state-human-rights-law?page=0) prohibits these two types of discrimination, as well as discrimination based on race, citizenship, immigration status, gender, sexual orientation, and a number of other protected statuses. These antidiscrimination protections apply in several situations:

- employment
- education
- housing
- places of public accommodation, such as health clinics and hospitals, retail stores, restaurants, hotels, movie theaters, daycare centers, and public buildings[135]

The **New York Civil Rights Law** may also protect your right to language access in some situations. The Civil Rights Law makes it illegal for any individual, business, employer, state agency, or local government to violate your civil rights.[136] These rights include the opportunity to work, gain an education, use housing, and have access to stores, businesses, transportation providers, government agencies, and other places open to the public without experiencing discrimination based on national origin or disability.[137]

On the local level, several cities in New York offer similar protections. The **New York City Human Rights Law** prohibits discrimination based on disability and national origin in employment, housing, lending practices, and public accommodations.[138] Other cities, including Buffalo, Rochester, and Albany, have their own antidiscrimination laws, which bar disability and national-origin discrimination.[139]

The New York State Language Access Law

Under the New York State Language Access Law, state agencies that provide services or benefits to the public must make their services accessible to LEP people.[140] These agencies must, among other things, translate all vital documents into the 12 most common non-English languages spoken by LEP New Yorkers:[141] Spanish, Chinese, Russian, Yiddish, Bangla, Korean, Haitian Creole, Italian, Arabic, Polish, French, and Urdu.[142]

Vital documents are paper and digital documents that contain information necessary for you to obtain agency services or benefits, and documents you are legally required to complete.[143] These agencies also must provide free interpretation services in your primary language, even if your primary language is not one of the 12 most common languages.[144] You can learn more about the Language Access Law in the section "Access to interpretation and translation services" in this guide.

The state Language Access Law does not directly apply to federal, county, or city agencies. However, some counties and cities have adopted the Language Access Law or passed their own language-access laws and executive orders.

You can find helpful language-access resources on the website for New York's Office of Language Access (https://ogs.ny.gov/language-access-resources), including:

- a language-access rights brochure
  - https://ogs.ny.gov/know-your-rights#:~:text=Download%20the%20Your%20Language%20Access%20Rights%20Brochure
- an "I Speak" card
  - https://ogs.ny.gov/system/files/documents/2025/02/2025-ola-ispeak-card-web.pdf
- translated forms and documents
  - https://ogs.ny.gov/translated-documents
- best practices for ASL interpretation and translation projects
  - https://ogs.ny.gov/system/files/documents/2025/01/best-practices-for-working-with-an-asl-interpreter.pdf
  - https://ogs.ny.gov/system/files/documents/2024/09/10-best-practices-for-translation-projects.pdf

In addition, some state and local agencies have offices that list resources and coordinate accessibility services for deaf and hard-of-hearing New Yorkers. A few of these offices are:

- New York State Deaf, Blind and Hard of Hearing Office
  - https://www.ny.gov/programs/new-york-state-deaf-deafblind-and-hard-hearing-office
- New York City Mayor's Office for People With Disabilities
  - https://www.nyc.gov/site/mopd/resources/resources.page
- Westchester County Office for People With Disabilities
  - https://disabled.westchestergov.com
- Suffolk County Office for People With Disabilities
  - https://www.suffolkcountyny.gov/Elected-Officials/County-Executive/People-With-Disabilities
- Nassau County Office for the Physically Challenged
  - https://www.nassaucountyny.gov/3295/For-Disabled-Residents

Some New York laws protect your language-access rights in **specific programs, services, and activities**. These include:

- **Voting and elections.** The John R. Lewis Voting Rights Act of New York (https://ag.ny.gov/resources/organizations/new-york-voting-rights-act) (NYVRA) requires boards of election and local jurisdictions, such as counties, cities, towns, villages, and school districts, to provide voting materials in non-English languages under certain circumstances.[145] You can learn more about the NYVRA in the section "Voting language access" in this guide.
- **Legal proceedings**. You are entitled to a free interpreter if you are a party (for example, a plaintiff, defendant, petitioner, or respondent), or a witness in a civil or criminal proceeding in state court, or if you are an interested parent or guardian in a Family Court proceeding.[146] The New York state court system also provides free interpretation services if you are using non-courtroom services provided by a state court.[147] Other state laws require courts to translate important documents, including orders of protection — commonly referred to as "restraining orders" — issued during divorce, custody, child support, and other Family Court proceedings.[148]
- **Health care.** Under the Hospital Patients' Bill of Rights, you must receive complete information regarding your diagnosis and all the information you need to give informed consent to any treatment you receive in a hospital.[149] This means that, if you are an LEP, deaf, or hard-of-hearing patient, hospitals must provide a skilled interpreter to help you understand this information.[150] Hospitals must also develop a language-assistance program, adopt policies to identify patients who need language assistance, and develop materials that summarize how to access free language-assistance services.[151]

  Pharmacy Chains must provide LEP patients with oral interpretation services and translations of prescription labels and other written materials.[152]
- **Employment.** If you are a new employee, your employer must give you information on your pay in your primary language.[153] If you are injured on the job and seek information, services, or benefits from the state Workers' Compensation Board, you must be provided translations of important documents and interpretation services.[154] In addition, under the state Human Rights Law, it is illegal for your employer to discriminate against you as an employee or job applicant based on disability or national origin, as well as other protected statuses.[155]

- **Education.** You and your family have language-access rights in schools. **Public school** districts must provide specific accommodations and services for English language learner (ELL) students. These accommodations and services include programs that provide bilingual education or instruction in English as a new language.[156] In addition, if you are a parent of an ELL student, public schools must meet with you and provide important information in your primary language or mode of communication.[157] **Charter schools** must provide services for ELL students that are similar and equal to those provided by public schools.[158]

  State antidiscrimination laws protect your language-access rights in **both public and private schools**. These laws require schools to make reasonable accommodations for deaf and hard-of-hearing students and forbid discrimination based on your national origin, as well as other protected statuses.[159]

  You can learn more about language-access protections for students and parents in the section "Education language access" in this guide.

These are only a few of the programs, services, and activities that must provide you with language-access services and accommodations under New York law. Other laws require translations of important documents and information, such as:

- information related to mortgage lending and foreclosures[160]
- terms of service for social media platforms[161]
- emergency treatment for rape survivors[162]
- immigration assistance services contracts[163]

Together, these and other state laws provide robust language-access rights and resources that cannot be taken away or weakened by the federal government.

Federal orders and policies

Federal orders and policies do not affect your language-access rights in New York under **state and local laws**.[164] In addition, **federal laws** continue to provide important baseline protections for you and the millions of LEP, deaf, and hard-of-hearing New Yorkers and visitors to our state. Only Congress has the power to change federal laws, not the president or federal agencies.

What powers does the president have?

Under the U.S. Constitution, Congress is responsible for making laws, and the president is responsible for ensuring that those laws are "faithfully executed," or properly carried out.[165] One of the ways presidents can use this power is by issuing written directives called **executive orders** that tell federal agencies and others how they should interpret and implement federal laws through policies and other actions.

Federal executive orders and policies

On March 1, 2025, the president signed an executive order designating English the official language of the United States. This order also revoked an earlier executive order that had directed agencies to improve language-access services.[166] Following the March 2025 order, the U.S. Department of Justice (DOJ) asked federal agencies to take various actions to carry out the president's order.[167] These actions include providing English-only services when allowed by law, and cutting costs by using artificial intelligence (AI) and machine translation when providing language-access services.

These policy changes may affect language access in several important ways. Federal agencies will likely reduce efforts to provide language-access services to LEP individuals in programs they deliver. Agencies' increased reliance on AI and machine translation may decrease the accuracy of any language-access services they still provide. In addition, federal agencies that have traditionally enforced language-access laws and policies may reduce, or entirely stop, their efforts to protect those rights.[168] These are only some of the ways that federal actions can affect your language-access rights, and this guide does not attempt to catalogue them all.

Although these changes are significant, you still have strong language-access rights in New York under federal, state, and local laws. You can learn more about these rights in other sections of this guide.

What language-access protections do federal laws still provide?

Federal laws continue to provide important rights and protections for LEP, deaf, and hard-of-hearing individuals. Only Congress can amend or repeal these laws — not the president or any federal agency.[169]

Federal laws provide language-access rights and requirements across a broad range of services and institutions. Businesses, employers, agencies, and other institutions must continue to follow the federal laws that apply to them. For instance, under the Americans with Disabilities Act (ADA), employers, government agencies, transportation providers, medical facilities, and other businesses and services that are open to the public must provide auxiliary aids and services to deaf and hard-of-hearing people.[170]

Under other federal laws, recipients of federal financial assistance must provide certain language-access services.[171] Federal financial assistance takes many forms, including grants, training, equipment use, and other types of aid. Some of the institutions that receive this aid include:

- public schools
- hospitals
- nursing homes
- universities and colleges
- programs for families and children
- public and private contractors and subcontractors
- state, county, and local agencies

In addition, dozens of federal laws require accommodations for LEP, deaf, and hard-of-hearing individuals in specific circumstances. Here are a few examples:

- **Education.** Under the Equal Education Opportunities Act (EEOA), public schools must provide equal educational opportunities to English language learner (ELL) students.[172] The Individuals with Disabilities Education Act (IDEA) requires school districts to provide support services that allow deaf and hard-of-hearing students to make appropriate educational progress.[173] Other laws require the federal government to allocate resources for bilingual education and other services for ELL children.[174] You can learn more about education-related language access in the section "Education language access" in this guide.
- **Voting.** The Voting Rights Act prohibits voting practices and procedures that discriminate against members of language-minority groups.[175] The law defines these individuals as "persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage."[176] In addition, the law allows LEP, deaf, and hard-of-hearing voters to bring a person of their choice to help them vote.[177] You can learn more about voting languageaccess in the section "Voting Language Access" in this guide.
- **Health care.** The Affordable Care Act (ACA) prohibits health programs and activities that receive federal funding from discriminating based on disability or national origin.[178] In some circumstances, language-based discrimination can be a form of national-origin discrimination.[179] Like the ACA, the Rehabilitation Act requires health care providers that receive federal funding to provide auxiliary aids and services to deaf and hard-of-hearing people.[180] The ADA imposes similar requirements on all private and public health care facilities and providers.[181] You can learn more about health care-related language access in the section "Medical language access" in this guide.
- **Housing.** The Fair Housing Act (FHA) prohibits discrimination against LEP, deaf, and hard-of-hearing individuals in the sale, rental, or financing of housing.[182]
- **Veterans' affairs.** In areas with large numbers of LEP veterans, the Department of Veteran Affairs (VA) must provide certain language-access services in its medical facilities and outreach services.[183]

- **Employment.** Under the ADA, employers must make reasonable accommodations for deaf and hard-of-hearing workers.[184] Other federal laws prohibit employment discrimination based on disability and national origin.[185] Still other laws require specific federal agencies and programs to provide employment-related information in multiple languages.[186]
- **Federal court proceedings.** LEP, deaf, and hard-of-hearing individuals must be provided a certified interpreter in federal court proceedings.[187] If a certified interpreter is unavailable, a qualified interpreter must be provided.[188]
- **Government benefits.** Under the Food Stamp Act, state agencies that manage and provide SNAP benefits in areas with large numbers of low-income, LEP households must use bilingual printed material and personnel.[189] Agencies that manage and provide government benefits must also comply with the ADA's accessibility requirements.
- **Emergency management and disaster relief.** Federal law prohibits discrimination based on disability or English proficiency after a major disaster or emergency.[190] This applies to the distribution of supplies, processing of applications, and other relief and assistance activities.[191] The Federal Emergency Management Agency (FEMA) is required to work with state and local governments to account for LEP population groups in planning for emergencies and major disasters.[192] FEMA must also ensure that information provided to those affected by an emergency or major disaster can be understood by LEP, deaf, and hard-of-hearing people.[193] In addition, as far as technically possible, FEMA must operate the Integrated Public Alert and Warning System in a manner that is capable of providing alerts to LEP individuals and individuals with disabilities.[194] This alert and warning system allows federal, state, tribal, and local authorities to distribute alerts and warnings.
- **Transportation.** The ADA requires transportation providers to offer auxiliary aids and services to deaf and hard-of-hearing travelers.[195] This requirement applies to public transit systems and privately operated transportation providers, such as taxis, charter buses, and hotel shuttles. Although the ADA does not apply to air travel,[196] the Air Carriers Access Act prohibits disability-based discrimination by air carriers.[197]

Other laws require specific businesses and agencies to provide information in multiple languages.[198]

Even if the federal government reduces its efforts to enforce these legal protections, private individuals, organizations, and state attorneys general can still bring lawsuits under many of these laws to ensure that you retain access to important services, activities, and institutions.

Complaints

If you believe your language-access rights have been violated, you can file a complaint with a state, county, or local agency. The appropriate place to file your complaint will depend on the specific circumstances of the incident. Please consult the following table to learn where to file a complaint if you believe you have not been provided appropriate language-access services or accommodations.

State agency

Problem: A state agency fails to provide language-access services required under the state Language Access Law, as explained in the section "Access to interpretation and translation services" in this guide.

Where to complain: Contact the New York Office of Language Access (https://ogs.ny.gov/office-language-access) using the office's language-access complaint form (https://languageaccess.ny.gov/en-US).

New York City agency

Problem: A New York City agency fails to provide language-access services required under city law.

Where to complain: Call 311 or 212-NEW-YORK (212-639-9675). You can learn more at 311's information website (https://portal.311.nyc.gov/article/?kanumber=KA-02630).

311 provides interpretation services. Consult 311's list of information to have ready when you call. You can file a complaint regardless of your immigration status (https://www.nyc.gov/site/immigrants/language-needs/file-complaint.page).

New York State Police

Problem: The New York State Police fails to provide required language-access services or accommodations.

Where to complain: File a complaint directly with the State Police (https://troopers.ny.gov/language-access) or contact the Office of Language Access using the office's complaint form (https://languageaccess.ny.gov/en-US).

NYPD

Problem: The NYPD fails to provide required language-access services or accommodations.

Where to complain: Call 311 or file a complaint with the NYPD by calling 212-741-8401 or emailing IAB@NYPD.org.

Voting

Problem: Your local board of elections fails to provide required language-access materials when you vote, or you experience discrimination while voting.

Where to complain: Call OAG's Voting Rights Section at 212-416-9818 or submit a complaint through OAG's complaint form (https://pcf.ag.ny.gov/form/CIVIL/natureofcomplaint-voting).

New York state

Problem: You believe you have experienced unlawful, language-based discrimination anywhere in New York State in employment, housing, education, or by a business or service that is open to the public.

Where to complain: Call the New York State Division of Human Rights (DHR) at 844-NYS-DHR1 (844-697-3471) or submit a complaint through DHR's complaint form (https://webapps.dhr.ny.gov/discrimination-report).

You may also file a complaint with OAG through OAG's complaint form (https://ag.ny.gov/file-complaint).

New York City

Problem: You believe you have experienced unlawful, language-based discrimination in New York City in housing or lending practices, in employment, or by a business or service that is open to the public.

Where to complain: You may submit a complaint with the New York City Commission on Human Rights (CCHR) through the CCHR's complaint form (https://www.nyc.gov/site/cchr/about/report-discrimination.page).

Consumers

Problem: You have a consumer complaint about an insurance company, bank, student loan, mortgage or foreclosure, bail agent, or other financial service or product.

Where to complain: File a complaint by using the New York State Department of Financial Services' complaint form (https://www.dfs.ny.gov/complaint).

New York state court

Problem: Any of the following things happens to you when you are in New York State court:

- the court fails to assign, or delays assigning, you an interpreter
- you are assigned an interpreter who is not competent
- you are given inaccurate translations of written materials
- you are told to bring your own interpreter to court
- you are treated unfairly because you asked for an interpreter

Where to complain: File a complaint with the New York State Unified Court System's Office of Language Access by calling 646-386-5670, emailing interpretercomplaints@nycourts.gov, or submitting a complaint through the New York State Unified Court System's complaint form (https://www.cognitoforms.com/NYSUnifiedCourtSystemOCADivisionOfTechnology/LanguageAccessComplaintForm).

Workers' Compensation Board

Problem: The **Workers' Compensation Board** does not provide you with adequate interpretation services or denies you an available translated document.

Where to complain: File a complaint by using the Workers' Compensation Board's complaint form (https://languageaccess.ny.gov/en-US/?agency=WCB).

School

Problem: Your child's school does not provide required language-access services.

Where to complain: If your child attends a public school **outside New York City**, file a complaint with the superintendent of your local school district.

If your child attends a public school in **New York City**, call 718-935-2200 to make a complaint related to language-access services for your child. You can also call 311 and tell the operator you have an education-related issue. Over-the-phone interpretation is available in more than 200 languages.

If you, as a parent or guardian of a New York City Public School (NYCPS) student, have not received translations of documents or interpretation services when speaking with a NYCPS employee, file a complaint through NYCPS's complaint form (https://forms.office.com/Pages/ResponsePage.aspx?id=tyxJGEXvYUWFcQxC5fesB6ZjF0KTCvxMISbfII71QxIUQIg0T0IDQU1BQVE0N0dSMVRBMjdBVk0yViQlQCN0PWcu).

If you have already filed a complaint with your local school district or NYCPS and **your language-access issue has not been resolved**, file a complaint with the New York State Education Department by email or U.S. Postal Service. Email CONAPPTA@nysed.gov with "COMPLAINT" in the subject line of the email, or send your complaint to:

New York State Education Department
Office of ESSA Funded Programs, Attention: Complaint Coordinator
89 Washington Ave., Room 320EB
Albany, New York 12234

For more information and instructions about complaint procedures, consult the New York State Education Department's website (https://www.nysed.gov/essa/new-york-state-essa-funded-programs-complaint-procedures).

You may also file a complaint with OAG through OAG's complaint form (https://ag.ny.gov/file-complaint).

In addition to these resources, several cities and counties across New York state have their own complaint forms.

Albany
Call 518-434-5296 or email eeo@albanyny.gov.

Buffalo
Use the complaint form in the City of Buffalo's Community Development Block Grant Language Access Plan (https://www.buffalony.gov/DocumentCenter/View/9301/CDBG-Language-Access-Plan-in-English-Spanish-and-Arabic).

Rochester
Contact the City of Rochester's Language Access Coordinator. The coordinator's phone number and email address are listed on the city's website (https://www.cityofrochester.gov/language access-plan).

Monroe County
Use the complaint form in the Monroe County Language Access Plan (https://www.monroecounty.gov/dei-language).

Nassau County
Use the Nassau County Language Access Complaint Form (https://app.nassaucountyny.gov/ca/complaint/lap.php).

Onondaga County
Use the Onondaga County Commission on Human Rights Complaint Form (https://onondaga.gov/humanrights/complaintform).

Suffolk County
Use Suffolk County's complaint form, which is available in multiple languages (https://suffolkcountyny.gov/Elected-Officials/County-Executive/Office-of-Multicultural-Affairs-and-Community-Engagement/Language-Access-Plan).

Westchester County
File a complaint with the Westchester County Human Rights Commission at 914-995-9500 or humanrights@westchestercountyny.gov.

References

1 Hospitals in New York state are required to provide LEP, deaf, and hard-of-hearing individuals with a skilled interpreter in inpatient, outpatient, and emergency service settings. N.Y. Pub. Health Law § 2803-bb; N.Y. Comp. Codes R. & Regs. (NYCRR) Tit. 10 § 405.7(b)(1). New York hospitals are also required to post signage alerting patients to the availability of free language-assistance services and must identify and document the language preferences and needs of each patient. N.Y. Pub. Health Law § 2803-bb(5)–(7); 10 NYCRR § 405.7(a)(7)(v)-(vii). LEP pharmacy customers are entitled to free, competent oral interpretation services and translations of prescription labels and other written materials at pharmacies that are part of a group of eight or more pharmacies located in New York with the same owner. N.Y. Educ. Law § 6829(1)(a), (2)(a). These pharmacies, as well as mail-order pharmacies, must also provide interpretation and translation services when counseling LEP customers about prescription medications and when providing consumers with warning labels, medication labels, or other written materials. 8 NYCRR § 63.11(b).

2 *See* N.Y. Office of Gen. Servs. and N.Y. Dep't of Motor Vehicles, *Language Access Plan for Limited English Proficient Individuals*, https://ogs.ny.gov/system/files/documents/2024/11/nys-lap-2024_dmv.pdf. The DMV "operates 31 public-facing offices (State DMVs) in the following counties: Albany, Bronx, Kings, Nassau, New York, Onondaga, Queens, Richmond, Rockland, Suffolk, and Westchester. In the remaining counties, there are 100 public-facing office locations operated by County Clerks (County DMVs) who act as agents of DMV" but "are not subject to the Language Access Law." Office of the N.Y. State Comptroller, Report 2024-F-33, *Dep't of Motor Vehicles: Language Access Servs.*, Apr. 10, 2025, https://www.osc.ny.gov/files/state-agencies/audits/pdf/sga-2025-24f33.pdf, at 1.

3 N.Y. Exec. Law § 202-a(1). You can learn more about these rights in the section "Access to interpretation and translation services" in this guide.

4 New York City law requires city agencies that provide direct public services to provide telephonic interpretation in at least 100 languages. N.Y.C. Admin. Code, § 23-1101 *et seq*. Westchester County Executive Order No. 1 of 2019 requires county departments that provide direct public services to provide interpretation services between the department and individuals seeking the provision of services or benefits in the individual's primary language. It prohibits departments from using online translation tools for interpretation, from using "[o]ther clients or informal interpreters," and from relying on clients' family members as "the primary source of translation," but it permits the use of "someone provided by the Community Based Organizations and Service Providers" as an interpreter. Suffolk County Executive Order No. 10 of 2012 requires county agencies overseen by the County Executive that provide direct public services to provide competent interpretation services between the agency and individuals seeking the provision of services or benefits in the

individual's primary language, among other requirements. This executive order was codified into law in 2018 when the Suffolk County Legislature adopted Suffolk County Local Law 16, Suffolk Cnty. Admin. Local Laws, chap. 143. Nassau County Executive Order No. 72 of 2013 requires county departments that provide direct services to the public to "provide competent interpretation services between the department and a program or service recipient and/or participant in his/her primary language," whether through a competently bilingual county employee or an available interpretation service.

5 42 U.S.C. § 5151(a).

6 The Patient Protection and Affordable Care Act (ACA) prohibits any individual from being excluded from participation in, denied the benefits of, or subjected to discrimination under a health program or activity that is either administered by a federal executive agency or receives federal financial assistance. 42 U.S.C. § 18116(a). LEP individuals are entitled to receive language-access services that are free, accurate, and timely when they are seeking to access qualifying health programs or activities, including Medicare and Medicaid. 45 C.F.R. § 92.201(a), (b). Individuals with disabilities also must be provided auxiliary aids and services where necessary for the individual to participate in and enjoy the benefits of a health program or activity. These aids must be provided free of charge, in accessible formats, and in a timely manner. *Id*. § 92.202(b).

7 The Food Stamp Act (FSA) requires each state agency administering SNAP, including local offices at the county level operating the program on the State's behalf, to use appropriate bilingual personnel and printed materials in administering the program in areas with a substantial number of low-income households that speak a language other than English. 7 U.S.C. § 2020(e)(1)(B); *see Haskins v. Stanton*, 621 F. Supp. 622, 628 (N.D. Ind. 1985) (finding that plaintiffs' claim that state and county agencies failed to use appropriate bilingual personnel in violation of the FSA was likely to succeed), *aff'd*, 794 F.2d 1273 (7th Cir. 1986). Although some courts have found that there is no private right of action under the FSA, *see Almendares v. Palmer*, 284 F. Supp. 2d 799, 808 (N.D. Ohio 2003), the Seventh and Fifth Circuits have recognized a private right of action against state officials under the act, *see Haskins*, 794 F.2d at 1274 (applying *Cort v. Ash*, 422 U.S. 66 (1975), and inferring private remedy); *Victorian v. Miller*, 813 F.2d 718, 724 (5th Cir. 1987); *see also Owen v. CDPU*, No. 21-CV-628-WMC, 2022 WL 203476, at *2 (W.D. Wis. Jan. 24, 2022) (citing *Haskins*). In New York, state regulations provide that all SNAP applicants must be informed of their program rights and responsibilities, and that, where appropriate, such information must be provided in languages other than English. 18 NYCRR § 387.2(t).

8 "[N]o social services district or official shall establish or apply any policy or practice which would have the effect of discriminating against an individual because of race, color, national origin, age, sex, religion or handicap. This prohibition shall apply to all aid, care, services, benefits or privileges provided directly, or indirectly by other agencies, organizations or institutions participating under contractual or other arrangements." 18 NYCRR § 303.1. New York Office of Temporary and Disability Assistance (OTDA) Administrative Directive 06-ADM-05 provides guidance to social service districts about providing translations, interpreters, and other auxiliary aids and services to LEP, deaf, and hard-of-hearing applicants for Temporary Assistance, food stamps, and assistance under the Home Energy Assistance Program. *See* OTDA, Admin. Directive 06-ADM-05, *Providing Access to Temp. Assistance Programs for Persons with Disabilities and/or Limited English Proficiency (LEP)*, revised Apr. 27, 2006, https://otda.ny.gov/policy/directives/2006/ADM/06-ADM-05.pdf; *see also* OTDA, Information Letter 17-INF-14, *Language Access for Individuals with Limited English Proficiency (LEP)*, Dec. 19, 2017, https://otda.ny.gov/policy/directives/2017/INF/17-INF-14.pdf (reiterating social service districts' legal responsibility to provide qualified interpreters to LEP individuals, and cautioning that districts should not rely on an applicant or recipient's family members or friends to interpret, except "as a last resort alternative").

9 "Whenever any deaf of hard of hearing person is a party to a legal proceeding of any nature, or a witness or juror or prospective juror therein, the court in all instances shall appoint a qualified interpreter ... to interpret the proceeding to, and the testimony of, such deaf or hard of hearing person...." N.Y. Judiciary Law § 390(1); *see also id.* § 387 ("If the services of an interpreter be required in any court and there be no unemployed official interpreter to act therein, the court may appoint an interpreter to act temporarily in such court."). State regulations extend the right to an interpreter to LEP parties and witnesses in criminal and civil state court proceedings, and to LEP parents and guardians of minor parties in Family Court proceedings. 22 NYCRR § 217.1(a) ("In all civil and criminal cases, when a court determines that a party or witness, or an interested parent or guardian of a minor party in a Family Court proceeding, is unable to understand and communicate in English to the extent that he or she cannot meaningfully participate in the court proceedings, the clerk of the court or another designated administrative officer shall schedule an interpreter at no expense ... to interpret by telephone or live audiovisual means.").

In addition, the Due Process Clause of the Fourteenth Amendment and the Confrontation Clause of the Sixth Amendment of the U.S. Constitution require courts to provide LEP, deaf, and hard-of-hearing criminal defendants with interpreters that "permit [them] to participate effectively in [their] own defense" and be confronted with adverse witnesses through cross-examination, when a court is aware of a defendant's language barriers. *U.S. ex rel. Negron v. State of N.Y.*, 434 F.2d 386, 389–91 (2d Cir. 1970); *People v. DeArmas*, 106 A.D.2d 659, 660 (2d Dep't 1984) ("[T]rial court's ruling restricting defendant's use of the official court interpreter during trial and restricting his opportunity to obtain his own interpreter to sit at the counsel table had the effect of depriving the defendant of due process of law and the effective assistance of counsel."). *But see People v. Ramos*, 26 N.Y.2d 272, 274 (1970) ("The right to an interpreter ... may be waived where a defendant, or his attorney, fails to call to the attention of the trial court, in some appropriate manner, the fact that he does not possess sufficient understanding of the English language."). "State Courts have also recognized that interpreters are necessary to ensure meaningful participation in the context of civil cases." *Matter of Lizotte v. Johnson*, 4 Misc. 3d 334, 342 (Sup. Ct., N.Y. Cnty. 2004).

10 22 NYCRR § 217.1(a).

11 In the case of all criminal or civil court proceedings in U.S. district courts, including pretrial and grand jury proceedings, the Court Interpreters Act requires that interpreters be provided to any party or witness who "speaks only or primarily a language other than the English language" or has "a hearing impairment ... so as to inhibit such party's comprehension of the proceedings or communication with counsel or the presiding judicial officer, or so as to inhibit such party's comprehension of questions and the presentation of such testimony." 28 U.S.C. § 1827(d)(1). "[T]he general standard for the adequate translation of trial proceedings requires continuous word for word translation of everything relating to the trial a defendant conversant in English would be privy to hear." *United States v. Joshi*, 896 F.2d 1303, 1309 (11th Cir. 1990). Federal Rule of Civil Procedure 43(d) further provides that a "court may appoint an interpreter of its choosing" when taking a witness's testimony. Federal Rule of Criminal Procedure 28 similarly grants federal courts the authority to appoint free interpreters for criminal proceedings.

LEP, deaf, and hard-of-hearing criminal defendants' right to an interpreter is further protected by the Due Process Clause of the Fifth Amendment and the Confrontation Clause of the Sixth Amendment of the U.S. Constitution. *U.S. v. Si*, 333 F.3d 1041, 1042–43 (9th Cir. 2003); *see U.S. v. Mosquera*, 816 F. Supp. 168, 175 (E.D.N.Y. 1993) (holding that the Constitution requires translations of documents).

12 Noncitizens have a Fifth Amendment Due Process right to a competent interpreter when language barriers would otherwise interfere with their ability to receive a full and fair hearing in adjudicatory immigration court proceedings, such as removal or asylum proceedings. *Amadou v. I.N.S.*, 226 F.3d 724, 726–27 (6th Cir. 2000); *see Abdullah v. I.N.S.*, 184 F.3d 158, 164 (2d Cir. 1999) (assuming without deciding that noncitizens have a right to interpretation services when "*defending* the legality of their presence in the country," but not when "*requesting* admission at the border" (emphasis in original)). Further, Immigration Judges must "take adequate steps to evaluate whether" interpretation services are necessary to ensure a full and fair hearing on matters such as applications for asylum, withholding of removal, and relief under the Convention Against Torture. *B.C. v. Att'y Gen. U.S.*, 12 F.4th 306, 313–14 (3d Cir. 2021).

13 N.Y. Admin. Pro. Act § 301(6) ("Whenever any deaf person is a party to an adjudicatory proceeding before an agency, or a witness therein, such agency in all instances shall appoint a qualified interpreter who is certified by a recognized national or New York state credentialing authority to interpret the proceedings to, and the testimony of, such deaf person.").

14 N.Y. Office of Gen. Servs., *Language Access Plan for Individuals with Limited English Proficiency* (N.Y. State Police), Oct. 1, 2024, https://ogs.ny.gov/system/files/documents/2024/10/nys-lap-2024_nysp.pdf, at 5–7, 9–10.

15 *Id.*

16 *Id*. at 9–10.

17 N.Y.C. Admin. Code § 14-173.

18 N.Y. Exec. Law § 259-i(7)–(8) (requiring the appointment of a qualified interpreter for any deaf or LEP person participating in an interview, parole release hearing, preliminary hearing, or revocation hearing).

19 If you need help voting because you are LEP, deaf, hard of hearing, or otherwise have difficulty reading or writing in English, you can bring someone to assist you in voting. Your voting helper does not have to be a U.S. citizen, a registered voter, or even an adult, but they cannot be your employer, an agent of your employer, or an officer or agent of your union. 52 U.S.C. § 10508; *see Arkansas United v. Thurston*, 517 F. Supp. 3d 777, 786 (W.D. Ark. 2021) (holding that 52 U.S.C. § 10508 applies to LEP voters). Your voting helper can help you throughout the entire voting process, including before and after voting and inside the voting booth. 52 U.S.C. § 10310(c)(1); *OCA-Greater Houston v. Texas*, 867 F.3d 604, 614–15 (5th Cir. 2017). Before assisting you, your helper may have to swear an oath that they will not improperly influence you. N.Y. Elec. Law § 8-306(5). The NYC Civic Engagement Commission (NYCCEC) provides language services to LEP voters during elections. The NYCCEC's Voter Language Assistance Program provides interpretation services at select poll sites in the following languages: Arabic, Bengali, Chinese (Cantonese, Mandarin), French, Haitian Creole, Italian, Korean, Polish, Russian, Urdu, Yiddish. *See* NYCCEC, *Upcoming Elections and Voter Language Assistance Servs.*, https://www.nyc.gov/site/civicengagement/our-programs/poll-site-language-access.page; *see also* OAG, *Voting Resources: Language Assistance Guidance*, https://ag.ny.gov/voting-resources#language.

20 LEP pharmacy customers are entitled to free, competent oral interpretation services and translations of prescription labels and other important written materials at pharmacies that are part of a group of eight or more pharmacies located in New York with the same owner. N.Y. Educ. Law § 6829(1)(a), (2)(a). These pharmacies and mail order pharmacies must also provide interpretation and translation services when counseling LEP customers about prescription medications and when providing consumers with warning labels, medication labels, or other written materials. 8 NYCRR § 63.11(b). Translation services must be provided "in the LEP individuals' preferred pharmacy primary language." N.Y. Educ. Law § 6829(2)(a).

21 10 NYCRR § 405.7(a)(7)(v)–(vii), (b)(1); *see also* N.Y. Pub. Health Law § 2803-bb. Hospitals in New York State are required to conduct an annual assessment to identify any LEP groups that make up more than one percent of the hospital's service area population. For languages identified, hospitals must provide translations of significant hospital forms and instructions. N.Y. Pub. Health Law § 2803-bb; 10 NYCRR § 405.7(a)(x).

22 *See* N.Y. Office of Gen. Servs. and N.Y. Dep't of Motor Vehicles, *Language Access Plan for Limited English Proficient Individuals*, https://ogs.ny.gov/system/files/documents/2024/11/nys-lap-2024_dmv.pdf. The DMV "operates 31 public-facing offices (State DMVs) in the following counties: Albany, Bronx, Kings, Nassau, New York, Onondaga, Queens, Richmond, Rockland, Suffolk, and Westchester. In the remaining counties, there are 100 public-facing office locations operated by County Clerks (County DMVs) who act as agents of DMV" but "are not subject to the Language Access Law." Office of the N.Y. State Comptroller, Report 2024-F-33, *Dep't of Motor Vehicles: Language Access Servs.*, Apr. 10, 2025, https://www.osc.ny.gov/files/state-agencies/audits/pdf/sga-2025-24f33.pdf, at 1.

23 N.Y. Exec. Law § 202-a(1). You can learn more about these rights in the section "Access to interpretation and translation services" in this guide.

24 New York City law requires city agencies that provide direct public services to translate their most commonly distributed documents into Spanish, Chinese, Russian, Bengali, Haitian-Creole, Korean, Arabic, Urdu, French, and Polish. N.Y.C. Admin. Code § 23-1101 *et seq*. Westchester County Executive Order No. 1 of 2019 requires county departments that provide direct public services to translate vital documents into Spanish, Italian, Chinese, French (including Haitian Creole), Arabic, Tagalog, Japanese, Albanian and any of the six most common languages spoken by LEP individuals in the county. Suffolk County Executive Order No. 10 of 2012 requires county agencies overseen by the County Executive that provide direct public services to translate vital documents into the six most common non-English languages spoken by LEP individuals in the county. This executive order was codified into law in 2018 when the Suffolk County Legislature adopted Suffolk County Local Law 16, Suffolk Cnty. Admin. Local Laws, chap. 143. Nassau County Executive Order No. 67 of 2013 requires, among other things, that county departments that provide direct services to the public provide vital documents in the six most common non-English languages spoken by LEP individuals in the county.

25 N.Y.C. Admin. Code §§ 21-332(b)(2), 23-1102.

26 The ACA prohibits any individual from being excluded from participation in, denied the benefits of, or subjected to discrimination under a health program or activity that is either administered by a federal executive agency or receives federal financial assistance. 42 U.S.C. § 18116(a). LEP individuals are entitled to receive language-access services, including translation services, that are free, accurate, and timely when they seek to access qualifying health programs or activities, including Medicare and Medicaid. 45 C.F.R. § 92.201(a)–(b). If an entity administering a qualified health program or activity uses machine translation to provide LEP individuals with translation services, the machine translation must be reviewed by a human translator if the document is "critical to the rights, benefits, or meaningful access of an individual with Limited English proficiency, when accuracy is essential, or when the source documents or materials contain complex, non-literal, or technical language." *Id*. § 92.201(c)(3).

Deaf and hard-of-hearing individuals also must be provided auxiliary aids and services where needed for the individual to participate in and enjoy the benefits of a health program or activity. These aids must be provided free of charge, in accessible formats, and in a timely manner. *Id*. § 92.202(b).

27 The Food Stamp Act (FSA) requires each state agency administering SNAP, including local offices at the county level operating the program on a state's behalf, to use appropriate bilingual printed materials in administering the program in areas with a substantial number of low-income households that speak a language other than English. 7 U.S.C. § 2020(e)(1)(B).

28 The John R. Lewis Voting Rights Act of New York (NYVRA) requires a "board of elections or a political subdivision [e.g., a county, city, town, village, or school district] that administers elections" to provide "language-related assistance" to a "language-minority group in a political subdivision" if certain numerical and population percentage thresholds are met for LEP members of language-minority groups. N.Y. Elec. Law § 17-208(1). "Language-minority group" is defined as "persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage." *Id.* § 17-204(5-a). The "language-related assistance" described in the NYVRA includes translation of "registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots." *Id.* § 17-208(2). You can find the New York State Board of Elections' list of political subdivisions required to provide Spanish assistance and its list of counties required to provide assistance in other languages on the New York State Board of Elections' website (https://elections.ny.gov/john-r-lewis-voting-rights-act-new-york).

29 When a new employee is hired, the employer must provide the employee a written notice that identifies the rates of pay and the basis of those rates in English and any other language the employee has identified as their primary language. N.Y. Lab. Law § 195(1)(a). The Workers' Compensation Board provides interpretation services in any preferred language and provides translations of important forms and documents in at least the 12 most commonly spoken languages in New York (Spanish, Chinese, Russian, Yiddish, Bengali, Korean, Haitian Creole, Italian, Arabic, Polish, French, and Urdu). You can request interpretation services or get a document translated by sending an email to LanguageAccessCoordinator@wcb.ny.gov or by calling 877-632-4996. You can learn more about these language-access services by visiting the Workers' Compensation Board's website (https://www.wcb.ny.gov). *See also* N.Y. Workers' Comp. Law § 17-a(1) ("[T]he [Workers' Compensation] board shall provide translation of (a) all documents and forms published by the board that injured employees complete; (b) all board documents that provide general information to injured employees on the process of applying for workers' compensation benefits; and (c) all other vital documents ..."); *id.* § 17-a(2) ("The board shall provide interpretation services to injured employees with respect to its provision of services, information and/or benefits.").

30 N.Y. Exec. Law § 202-a(1).

31 *Id.* § 202-a(1), (4)(a).

32 *Id.* § 202-a(5).

33 Although OAG is not an agency that provides direct services or benefits to the public under the Language Access Law, OAG is committed to language access and strives to utilize interpretation and other auxiliary services and aids, as appropriate, during interactions with LEP, deaf, and hard-of-hearing members of the public.

34 N.Y. Exec. Law § 202-a(1); N.Y. Office of Gen. Servs., *New York State Language Access Law*, New York State Language Access Law | Office of General Services (https://ogs.ny.gov/new-york-state-language-access-law).

35 N.Y. Exec. Law § 202-a(4)(a).

36 N.Y.C. Admin. Code, § 23-1101 *et seq*.

37 *Id.*

38 Westchester County Executive Order No. 1 of 2019 requires county departments that provide direct public services to translate vital documents into Spanish, Italian, Chinese, French (including Haitian Creole), Arabic, Tagalog, Japanese, Albanian, and any of the six most common languages spoken by LEP individuals in the county. The executive order further requires these departments to provide interpretation services between the department and individuals seeking the provision of services or benefits in the individual's primary language. It prohibits departments from using online translation tools for interpretation, from using "[o]ther clients or informal interpreters," and from relying on clients' family members as "the primary source of translation," but it permits the use of "someone provided by the Community Based Organizations and Service Providers" as an interpreter.

39 Suffolk County Executive Order No. 10 of 2012 requires county agencies overseen by the County Executive that provide direct public services to translate vital documents into the six most common non-English languages spoken by LEP individuals in the county. The executive order also requires those agencies to provide competent interpretation services between the agency and individuals seeking the provision of services or benefits in the individual's primary language, among other requirements. This executive order was codified into law in 2018 when the Suffolk County Legislature adopted Suffolk County Local Law 16, Suffolk Cnty. Admin. Local Laws, chap. 143.

40 Nassau County Executive Order No. 67 of 2013 requires, among other things, that county departments that provide direct services to the public provide vital documents in the six most common non-English languages spoken by LEP individuals in the county. Nassau County Executive Order No. 72 of 2013 requires those departments to "provide competent interpretation services between the department and a program or service recipient and/or participant in his/her primary language," whether through a competently bilingual county employee or an available interpretation service.

41 The Monroe County Language Access Plan (https://www.monroecounty.gov/dei-language)establishes guidelines for county agencies and programs to follow when developing and implementing reasonable accommodations for LEP individuals.

42 "'General hospital' means a hospital engaged in providing medical or medical and surgical services primarily to in-patients by or under the supervision of a physician on a twenty-four hour basis with provisions for admission or treatment of persons in need of emergency care and with an organized medical staff and nursing service, including facilities providing services relating to particular diseases, injuries, conditions or deformities. The term general hospital shall not include a residential health care facility, public health center, diagnostic center, treatment center, out-patient lodge, dispensary and laboratory or central service facility serving more than one institution." N.Y. Pub. Health Law § 2801(10).

43 N.Y. Pub. Health Law § 2803-bb; 10 NYCRR § 405.7(b)(1); *see id.* § 405.1 (applying these requirements to general hospitals).

44 N.Y. Pub. Health Law § 2803-bb(8); 10 NYCRR § 405.7(a)(7)(viii) (providing that individuals younger than 16 should only be used as interpreters in "emergent circumstances" and that their use should be documented in the medical record).

45 N.Y. Pub. Health Law § 2803-bb(6); 10 NYCRR § 405.7(a)(7)(vi).

46 N.Y. Pub. Health Law § 2803-bb(7); 10 NYCRR § 405.7(a)(7)(vii).

47 N.Y. Pub. Health Law § 2803-bb(3); 10 NYCRR § 405.7(a)(7)(iii).

48 N.Y. Pub. Health Law § 2803-bb(5); 10 NYCRR § 405.7(a)(7)(v).

49 N.Y. Pub. Health Law § 2803-bb(4); 10 NYCRR § 405.7(a)(7)(iv). In addition, general hospitals must conduct an annual assessment to identify any LEP groups that make up more than one percent of the hospital's service area population. For languages identified, hospitals must provide translations of significant hospital forms and instructions. N.Y. Pub. Health Law § 2803-bb; 10 NYCRR § 405.7(a)(x).

50 10 NYCRR § 405.7(a)(7)(ix)(a). This requirement applies to requests for interpreters by the patient, the patient's family or representative, or the provider of medical care. *Id.*; *see also* N.Y. Pub. Health Law § 2803-bb(9) ("Interpreters and persons skilled in communicating with vision and/or hearing-impaired individuals shall be available to patients within a reasonable period of time from a request to general hospital administration by the patient, the patient's family or representative or the provider of medical care.").

51 10 NYCRR § 405.7(a)(7)(ix)(a).

52 N.Y. Educ. Law § 6829(2)(a); *see id.* § 6829(1)(a) (defining covered pharmacies as pharmacies that are part of a group of eight or more pharmacies located in New York with the same ownership).

53 8 NYCRR § 63.11(b)(1).

54 *Id.* § 63.11(b)(2).

55 42 U.S.C. § 18116(a) ("[A]n individual shall not ... be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, or under any program or activity that is administered by an Executive Agency ..."); 45 C.F.R. § 92.201 (requiring covered entities—those under the auspices of the United States Department of Health and Human Services or those receiving federal financial assistance—to provide language assistance services that are free of charge, accurate, and timely to LEP individuals).

56 45 C.F.R. § 92.202 (requiring covered entities to provide appropriate auxiliary aids and services free of charge and in a timely manner to assist individuals with disabilities in participating in a health program or activity).

57 29 U.S.C. § 794(a)–(b); *see Basta v. Novant Health Inc.*, 56 F.4th 307, 318 (4th Cir. 2022) (deaf husband stated a claim under the Rehabilitation Act against hospital that denied him an ASL interpreter and instead provided an ineffective auxiliary device while he was attempting to serve as his wife's medical proxy during her delivery of their child).

58 42 U.S.C. §§ 12132, 12182(a) ("No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.").

59 N.Y. Exec. Law § 296(2)(a) (also prohibiting discrimination based on national origin); *see Loeffler v. Staten Island Univ. Hosp.*, 582 F.3d 268, 277–78 (2d Cir. 2009) (finding issue of material fact as to whether a hospital's failure to provide ASL interpreter for deaf patient and patient's wife, forcing their children to act as interpreters, violated the State and City Human Rights Laws, among other laws).

60 N.Y.C. Admin. Code § 8-107(4) (also prohibiting discrimination based on national origin); *see Loeffler*, 582 F.3d at 277–78.

61 This guide uses the term "English language learner" instead of "limited English proficient" when referring to students.

62 The EEOA prohibits the denial of "equal educational opportunity to an individual on account of his or her ... national origin," including through the failure of "an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." 20 U.S.C. § 1703(f).

63 *Id.*; *see Issa v. Sch. Dist. of Lancaster*, 847 F.3d 121, 140 (3d Cir. 2017) (LEP students were likely to prevail on EEOA claim against school district that provided LEP students an inferior education); *Methelus v. Sch. Bd. of Collier Cnty., Fla.*, 243 F. Supp. 3d 1266, 1277 (M.D. Fla. 2017) (allegation that district's refusal to enroll LEP students in public school and referral of those students to a noncredit adult program stated claim under EEOA); *New York by Schneiderman v. Utica City Sch. Dist.*, 177 F. Supp. 3d 739, 753 (N.D.N.Y. 2016) (allegation that district diverted LEP students to inferior alternative education programs stated claim under EEOA); *T.R. v. Sch. Dist. of Philadelphia*, 223 F. Supp. 3d 321, 335 (E.D. Pa. 2016) (allegation that district failed to provide adequate translation services to LEP students with disabilities stated claim under EEOA).

64 In the landmark case of *Lau v. Nichols*, the Supreme Court held that a school district violated Title VI's prohibition against national-origin discrimination when it failed to provide bilingual education to ELL Chinese American students. 414 U.S. 563, 567-68 (1974); *see* 42 U.S.C. § 2000d. While a subsequent Supreme Court decision addressed disparate impact liability under Title VI, *see Alexander v. Sandoval*, 32 U.S. 275 (2001), courts continue to rely on *Lau*'s recognition of language-based discrimination as a form of national-origin discrimination for purposes of Title VI liability. *See, e.g.*, *T.R. v. Sch. Dist. of Phila.*, 223 F. Supp. 3d 321, 335 (E.D. Pa. 2016) ("[N]umerous federal courts have found that language[-]based discrimination constitutes a form of national origin discrimination prohibited by Title VI.") (collecting cases); *United States v. Maricopa Cnty., Ariz.*, 915 F. Supp. 2d 1073, 1079 (D. Ariz. 2012) ("[L]ongstanding case law, federal regulations and agency interpretation of those regulations hold language-based discrimination constitutes a form of national origin discrimination under Title VI.").

65 20 U.S.C. § 1414(b)(3)(A) (requiring "assessments and other evaluation materials" to be "provided and administered in the language and form most likely to yield accurate information"); *see also id.* § 1412(a)(6)(B) (requiring states that receive federal funding for programs for students with disabilities to ensure that tests and evaluations for placing students with services are administered in the student's native language or mode of communication, unless it clearly is not feasible to do so).

66 *Id.* § 1414(d)(3)(B).

67 *Id.* §§ 1415(b)(4), 1439(a)(7).

68 8 N.Y.C.R.R. § 154-2.1(a) ("[E]ach school district shall provide English Language Learners equal access to all school programs and services offered by the school district, commensurate with the student's age and grade level, including access to programs required for graduation.").

69 N.Y. Const. art. XI, § 1 ("The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated."); *Campaign for Fiscal Equity, Inc. v. State*, 86 N.Y.2d 307, 315 (1995) (state Constitution guarantees a sound basic education); *see Aristy-Farer v. State,* 29 N.Y.3d 501, 514-15 (2017) (plaintiffs stated claim for violation of state Constitution where school districts had problems including "unsuccessful English as a Second Language programs").

70 New York Education Law § 3201(1) provides that "[n]o person shall be refused admission into or excluded from any public school in the state of New York on account of race, creed, color, or national origin." The state Human Rights Law prohibits any educational institutions from "deny[ing] the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of" their race, disability, national origin, or citizenship status, among other protected statuses. N.Y. Exec. Law § 296(4). This applies to public schools; non-sectarian private schools; and non-sectarian for-profit colleges, universities, licensed private career schools, and English language learner schools. *Id.* § 292(40)(a)–(c). In the context of the similar New York City Human Rights Law, the Appellate Division, First Department, has concluded that "discrimination against limited English proficiency (LEP) individuals … constitutes discrimination based on national origin." *Boureima v. N.Y.C. Hum. Res. Admin.*, 128 A.D.3d 532, 533 (1st Dep't 2015). The applicability of the NYSHRL's prohibition against national-origin discrimination to language-based discrimination is consistent with the law's rules of construction, which require courts to construe its prohibitions "liberally for the accomplishment of the remedial purposes [of the NYSHRL], regardless of whether federal civil rights laws, including those laws with provisions worded comparably to the provisions of [the NYSHRL], have been so construed." N.Y. Exec. Law § 300.

The New York Civil Rights Law further provides that "[n]o person shall, because of race, creed, color, national origin, … or disability … be subjected to any discrimination in his or her civil rights … by any other person or by any firm, corporation or institution, or by any state or any agency or subdivision of the state." N.Y. Civ Rts. Law § 40-c(2). This applies to educational discrimination through the Executive Law, which provides that "[t]he opportunity to obtain education … without discrimination because of … national origin … or disability … is hereby recognized as and declared to be a civil right." N.Y. Exec. Law § 291(2).

71 *See, e.g.*, 8 NYCRR § 154-2.1(a).

72 *Id.* § 117.3.

73 *Id.* § 117.3(b)(2).

74 N.Y. Educ. Law § 3204(2-a)–(2); 8 NYCRR § 154-2.1(a). For more information on bilingual education requirements, see 8 NYCRR §§ 154-2.2(b), 154-2.3(h)(3). For more information on English as a New Language program requirements, see *id.* §§ 154-2.2(h), 154-2.3(h)(1)–(2). *See also* N.Y. Educ. Law § 3204(3)–(8)(describing eligibility criteria and requirements for bilingual education and English as a New Language programs and empowering districts to provide additional resources and programs for ELL students, their parents, and others).

Every school district must provide an English as a New Language program for all grade levels. 8 NYCRR § 154-2.3(h)(1)–(2). In addition, each year, school districts must estimate the number of ELL students who are expected to be enrolled in each school and grade the following school year. *Id.* § 154-2.3(d)(1). Districts that expect to have 20 or more ELL students of the same grade level who have the same non-English home language in *more than one* school must provide Bilingual Education programs for at least 70% of the estimated ELL students the following school year. *Id.* § 154-2.3(d)(2). Districts that expect to have 20 or more ELL students of the same grade level who have the same non-English home language in the *same* school must provide every ELL student with a Bilingual Education program at that school the following school year. *Id.* § 154-2.3(d)(4). Districts must provide each ELL student "the opportunity to transfer to another school in the district that operates a Bilingual Education Program that serves the same grade level and language" if the school in which the student is enrolled does not have such a program, and must provide transportation for the student if the district offers bussing for its students. *Id.* § 154-2.3(d)(5); *see also Id.* § 154-2.3(d)(6) (providing limited exceptions to the requirements under 8 NYCRR § 154-2.3(d)).

75 *Id.* § 154-2.1(b).

76 The 1974 consent decree in *Aspira of New York, Inc. v. Board of Education of the City of New York* remains in effect and is not impacted by recent federal executive orders. "The decree provided for a broad program: for methods of identifying those to receive bilingual instruction, for specific forms of instruction in Spanish and English, for the formulation of pertinent educational standards, the preparation and distribution of instructional materials, the recruitment and training of staff, the procurement of suitable funding, continued consultation with plaintiffs, periodic reports, and an array of other measures..." *Aspira of New York, Inc. v. Bd. of Educ. of City of New York*, 423 F. Supp. 647, 649 (S.D.N.Y. 1976) (holding defendants in contempt for failing to comply with the consent decree). The consent decree is available at https://history.nycourts.gov/wp-content/uploads/2024/09/Aspira-Consent-Decree-8-29-74.pdf.

77 20 U.S.C §§ 1400, 1412(a)(1)(A); *see Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 580 U.S. 386, 399, 403 (2017) ("To meet its substantive obligation under the IDEA, a school must offer an [Individualized Education Program, or "IEP"] reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.").

78 Remedies available under the IDEA must be exhausted before a plaintiff may pursue remedies that are available under both the ADA and IDEA. 20 U.S.C. § 1415(l) ("Nothing in [the IDEA] shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this subchapter," certain procedures required under the IDEA must be exhausted); *see Fry v. Napoleon Cmty. Schs.*, 580 U.S. 154, 170–71 (2017) ("In short, the IDEA guarantees individually tailored educational services, while Title II and § 504 promise non-discriminatory access to public institutions."); *B. v. Bd. of Educ. Hinsdale Twp., Hinsdale High Sch. Dist. 86*, No. 24 CV 12218, 2025 WL 1666697, at *3–6 (N.D. Ill. June 12, 2025) (discussing the interplay between the IDEA, ADA, and the Rehabilitation Act, and the IDEA's exhaustion requirement); *see also K.M. ex rel. Bright v. Tustin Unified Sch. Dist.*, 725 F.3d 1088, 1100 (9th Cir. 2013) ("[I]n some situations, but not others, schools may be required under the ADA to provide services to deaf or hard-of-hearing students that are different than the services required by the IDEA.").

79 *Bd. of Educ. Hinsdale Twp.*, 2025 WL 1666697, at *4 (quoting DOJ regulations implementing the ADA, codified at 28 C.F.R. § 35.160(a)(1)).

80 *Id.*

81 *See generally Los Angeles Unified Sch. Dist. v. A.O. by & through Owens,* 92 F.4th 1159, 1178 (9th Cir. 2024) (district violated IDEA by failing to specify frequency and duration of speech therapy and audiology services in proposed IEP).

82 *See K.M. ex rel. Bright,* 725 F.3d at 1103 (remanding case to district court to determine whether the ADA required district to provide word-for-word Communication Access Realtime Translation services).

83 *See Bd. of Educ. Hinsdale Twp.*, 2025 WL 1666697, at *1 (discussing auxiliary aids and services provided by school district).

84 Title II of the ADA, 42 U.S.C. § 12132, applies to public schools, while Title III, *id.* § 12182, applies to private schools. *See Berardelli v. Allied Servs. Inst. of Rehab. Med.*, 900 F.3d 104, 115 (3d Cir. 2018) (Title III of "the ADA brought within its sweep the wide variety of establishments available to the nondisabled, including private schools regardless of whether they receive federal funding." (cleaned up)).

85 Section 504 of the Rehabilitation Act applies to schools that receive federal funding. 29 U.S.C. § 794(a)–(b)(2)–(3).

86 Section 504 of the Rehabilitation Act applies to colleges and universities that receive federal funding. *Id*. § 794(a)–(b)(2).

87 The New York State Human Rights Law prohibits any educational institutions from "deny[ing] the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of" disability, among other protected statuses. N.Y. Exec. Law § 296(4). This applies to public schools; non-sectarian private schools; and non-sectarian for-profit colleges, universities, licensed private career schools, and English language learner schools. *Id.* § 292(40)(a)–(c). The New York state Civil Rights Law further provides that "[n]o person shall, because of ... disability ... be subjected to any discrimination in his or her civil rights ... by any other person or by any firm, corporation or institution, or by any state or any agency or subdivision of the state." N.Y. Civ Rts. Law § 40-c(2). This applies to educational discrimination through the Executive Law, which provides that "[t]he opportunity to obtain education ... without discrimination because of ... disability ... is hereby recognized as and declared to be a civil right." N.Y. Exec. Law § 291(2).

88 *Rothschild v. Grottenthaler*, 907 F.2d 286, 288, 293 (2d Cir. 1990) (Rehabilitation Act requires public school receiving federal financial assistance to provide sign-language interpreter services at district's expense to deaf parents of hearing children at school-initiated activities).

89 *See* 20 U.S.C. §§ 1414–1415; *Winkelman ex rel. Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516, 524 (2007) (The IDEA "sets up general procedural safeguards that protect the informed involvement of parents in the development of an education for their child."); *T.R. v. Sch. Dist. of Philadelphia*, 223 F. Supp. 3d 321, 330 (E.D. Pa. 2016) (allegation that school district interfered with LEP parents' ability "to meaningfully participate in the planning and decision-making embodied in the IEP process" by failing to provide adequate interpretation and translation services was sufficient to state IDEA claim); *see also Garcia v. Morath*, 624 F. Supp. 3d 690, 696, 699 (W.D. Tex. 2022), *report and recommendation adopted*, No. 1:21-CV-1011-RP, 2023 WL 163978 (W.D. Tex. Jan. 10, 2023) (citing federal regulations interpreting 20 U.S.C. § 1415(b) as requiring schools that receive funding under the IDEA to provide accommodations to ensure that parents can understand and participate in IEP team meetings).

90 *Id.* § 154-2.3(f)(1).

91 *Id.* § 154-2.3(f)(5).

92 *Id.*

93 *Id.* ("Such meeting shall be conducted with a qualified interpreter/translator in the language or mode of communication the parent or person in parental relation best understands.")

94 *Id.* § 100.2(l)(4) (providing that this required notice and any informal conference must occur before the suspension begins "unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic progress, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable").

95 N.Y. Educ. Law § 3214(3)(b)(1); 8 NYCRR § 100.2(l)(4). At the informal conference, "the pupil and/or person in parental relation shall be authorized to present the pupil's version of the event and to ask questions of the complaining witnesses." N.Y. Educ. Law § 3214(3)(b)(1).

96 8 NYCRR § 100.2(l)(4).

97 N.Y. Educ. Law § 3214(3)(c)(1).

98 *Id*.

99 N.Y. State Office of Children and Family Servs., *A Guide to Sch. Discipline and Sch. Suspensions for Youth, Parents, and Caregivers* (Nov. 2019) ("If a student's and/or parent's/guardian's primary language is not English, they should request that a translator be present at the [fair] hearing.").

100 N.Y.C. Dep't of Educ., Regulation of the Chancelor A-663, Language Access for Parents (issued June 20, 2025), available at https://www.schools.nyc.gov/docs/default-source/default-document-library/a-663-english.pdf.

101 N.Y. Exec. Law § 202-a(4)(a). More information about the Language Access Law is available in the section "Access to interpretation and translation services" in this guide.

Most courts that have considered the question have held that the New York State Human Rights Law (NYSHRL), N.Y. Exec. Law § 296, and its New York City counterpart, the New York City Human Rights Law (NYCHRL), N.Y.C. Admin. Code § 8-107, do not apply to arrests and other street encounters with law enforcement. *See Letray v. New York State Division of Hum. Rts.*, 181 A.D.3d 1296, 1296 (4th Dep't 2020); *Madera v. U.S.*, No. 24-CV-2903 (PKC), 2025 WL 1019139, at *8 (S.D.N.Y. Apr. 4, 2025); *O'Brien v. City of Syracuse*, No. 5:22-CV-948 (MAD/TWD), 2023 WL 6066036, at *24 n. 11 (N.D.N.Y. Sept. 18, 2023) (collecting cases); *D.H. v. City of N.Y.*, 309 F. Supp. 3d 52, 81 (S.D.N.Y. 2018). *But see Matchett v. Brighton Police Dep't*, No. 24-CV-6001-FPG, 2024 WL 4607728, at *2 (W.D.N.Y. Oct. 29, 2024) ("The legal standards and analysis for claims under the Rehabilitation Act, the ADA, and the NYSHRL are the same." (cleaned up)); *Williams v. City of N.Y.*, 121 F. Supp. 3d 354, 364 n. 10 (S.D.N.Y. 2015) ("Protections afforded by the NYSHRL are construed coextensively with the ADA … If Plaintiff can satisfy her burden under the ADA, she will also satisfy her burden under Section 504, the NYSHRL, and NYCHRL.").

102 N.Y. Exec. Law § 202-a(1).

103 N.Y. Office of Gen. Servs., *Language Access Plan for Individuals with Limited English Proficiency* (N.Y. State Police), Oct. 1, 2024, https://ogs.ny.gov/system/files/documents/2024/10/nys-lap-2024_nysp.pdf, at 5–7, 9–10.

104 *Id.*

105 *Id*. at 9–10.

106 *Id*.

107 N.Y.C. Admin. Code § 23-1102(a); NYPD, *Patrol Guide*, Procedure No. 212-90: Guidelines for Interaction with Limited English Proficient Persons, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide2.pdf (detailing the language-assistance responsibilities of NYPD officers and other NYPD employees).

108 NYPD, *2024 NYPD Language Access Implementation Plan* (hereafter, "*Language Access Plan*"), https://www.nyc.gov/assets/nypd/downloads/pdf/eeo/2024-nypd-language-access-implementation-plan.pdf, at 2, 4; *see also* NYPD, *Patrol Guide*, Procedure No. 212-90. Absent exigent circumstances, only personnel certified as interpreters by the department should verify the details of the incident when responding to domestic violence calls involving LEP individuals, and only department-certified interpreters should be used in custodial interrogations of LEP individuals. NYPD, *Language Access Plan*, at 9–10.

109 NYPD, *Language Access Plan*, at 4.

110 *Id.* at 10.

111 N.Y. Crim. Procedure Law § 530.11(6).

112 ICE, *Performance-Based National Detention Standards 2011*, Revised Dec. 2016, https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf (last accessed August 15, 2025). According to these standards, "The facility will provide detainees with disabilities with effective communication, which may include the provision of auxiliary aids, such as readers, materials in Braille, audio recordings, telephone handset amplifiers, telephones compatible with hearing aids, telecommunications devices for deaf persons (TTYs), interpreters, and note-takers, as needed. The facility will also provide detainees who are LEP with language assistance, including bilingual staff or professional interpretation and translation services, to provide them with meaningful access to its programs and activities. All written materials provided to detainees shall generally be translated into Spanish. Where practicable, provisions for written translation shall be made for other significant segments of the population with limited English proficiency. Oral interpretation or assistance shall be provided to any detainee who speaks another language in which written material has not been translated or who is illiterate."

113 42 U.S.C. § 12132; *see Seremeth v. Bd. of Cnty. Comm'rs*, 673 F.3d 333, 338 (4th Cir. 2012) ("[T]he ADA applies to police interrogations.").

114 *See Matchett*, 2024 WL 4607728, at *1–5 (deaf plaintiffs stated claims under the ADA and Rehabilitation Act against law enforcement officers who failed to provide an ASL interpreter when responding to plaintiffs' 911 call, despite plaintiffs' request for an interpreter); *Williams*, 121 F. Supp. 3d at 363–69 (finding triable issue of fact as to whether officers' failure to provide a deaf arrestee with an interpreter or auxiliary aid at the scene of arrest violated the ADA and Rehabilitation Act).

115 *Bax v. Doctors Med. Ctr. Of Modesto, Inc.*, 52 F.4th 858, 869 (9th Cir. 2022); *Matchett*, 2024 WL 4607728, at *2.

116 *Seremeth*, 673 F.3d at 339 ("[T]he consideration of exigent circumstances is included in the determination of the reasonableness of the accommodation."); *Williams*, 121 F. Supp. 3d at 367 (same, quoting *Seremeth*).

117 29 U.S.C. § 794(a); *see Lopez Cano v. Decker*, No. 22 CIV. 7428 (AKH), 2022 WL 17584156, at *4 (S.D.N.Y. Dec. 12, 2022) ("There is … no dispute that DHS and ICE are executive agencies within the meaning of the [Rehabilitation] Act."); *Matchett*, 2024 WL 4607728, at *2 (applying the same legal standards and analysis to claims under the Rehabilitation Act and the ADA).

118 29 U.S.C. § 794(a).

119 *See Miranda v. Arizona*, 384 U.S. 436, 444 (1966) ("Prior to any questioning, the person [in custody] must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive effectuation of these rights, provided the waiver is made voluntarily, knowingly and intelligently."); *United States v. Perez-Lopez*, 348 F.3d 839, 847–49 (9th Cir. 2003) ("post-*Miranda* incriminating statements should have been suppressed as improperly obtained" where *Miranda* warning was inaccurately translated); *Rivera v. Granucci*, No. CIV. N-87-480 (JAC), 1993 WL 76202, at *7 (D. Conn. Mar. 12, 1993) ("*Miranda* warnings are effective only if they are understood by the arrestee. The failure to provide an arrested person with a *Miranda* warning in his own language might therefore render the arrestee's subsequent statements inadmissible on grounds that he had not knowingly waived his rights under the Fifth and Sixth Amendments.").

Admissions of *criminal* liability to ICE agents are entitled to the same protections. *See U.S. v. Mahmood*, 415 F. Supp. 2d 13, 15, 20 (D. Mass. 2006) (suppressing incriminating statements made by noncitizen to ICE agents who failed to advise him of his right to remain silent before conducting a custodial interrogation). However, these Fifth Amendment rights may not apply in civil immigration court proceedings, such as deportation proceedings. *Zuniga v. Garland*, 86 F.4th 1236, 1239 (9th Cir. 2023) ("[T]he substantial distinctions between a deportation proceedings and a criminal trial make *Miranda* warnings inappropriate in the deportation context." (cleaned up)); *Trias-Hernandez v. I.N.S.*, 528 F.2d 366, 369 (9th Cir. 1975) ("The lack of an interpreter at the initial questioning does not compel a conclusion on the basis of this record that the use of the statement at the deportation hearing was fundamentally unfair."); *cf. Rajah v. Mukasey*, 544 F.3d 427, 443 (2d Cir. 2008) ("[T]here was … no Fifth Amendment privilege for [noncitizens] to refuse to produce immigration documents or to refuse to answer questions about their immigration status" during interviews for a Department of Homeland Security registration program.). *But see Matter of Garcia*, 17 I. & N. Dec. 319, 321 (BIA 1980) (terminating removal proceedings after concluding that "respondent's admissions which underlie the finding of deportability were involuntarily made and that the requirements of due process warrant their exclusion from the record"); *Matter of Toro*, 17 I. & N. Dec. 340, 343 (BIA 1980) ("To be admissible in deportation proceedings, evidence must be probative and its use fundamentally fair so as to not deprive respondents of due process of law as mandated by the fifth amendment. … The circumstances surrounding an arrest and interrogation … may in some cases render evidence inadmissible under the due process clause of the fifth amendment."); *see also Anim v. Mukasey*, 535 F.3d 243, 256 (4th Cir. 2008) (explaining that "[t]he Federal Rules of Evidence do not apply in immigration proceedings, and evidentiary determinations are limited only by due process considerations").

120 *See Schneckloth v. Bustamonte*, 412 U.S. 218, 248–49 (1973) (When "the State attempts to justify a search on the basis of … consent, the Fourth and Fourteenth Amendments require that it demonstrate that the consent was in fact voluntarily given, and not the result of duress or coercion, express or implied. Voluntariness is a question of fact to be determined from all the circumstances."); *United States v. Wilson*, 11 F.3d 346, 351 (2d Cir. 1993) (noting in *dictum* that defendant's "limited education and knowledge of the English language, coupled with the fact that he was not informed of his right to refuse to consent to the search [of his apartment by drug task force agents], cause us to doubt whether [he] actually consented to this search, particularly in light of the intrusive nature of the agents' entry into the apartment").

121 *See United States v. Marchi*, No. 317CR000553VLB, 2018 WL 1409819, at *8, 11 (D. Conn. Mar. 21, 2018) ("lack of English proficiency" was one of several factors that combined to establish that consent to search a home was not voluntary and that evidence obtained during the search must be suppressed).

122 52 U.S.C. §§ 10301, 10303(f)(2) (prohibiting practices and procedures which result in the denial or abridgement of the right to vote because a citizen is a member of a non-English speaking "language minority group"). In covered states and political subdivisions, all ballots and voting materials must be provided in the languages of qualifying language minority groups. *Id.* § 10503; *see OCA-Greater Houston v. Texas*, 867 F.3d 604, 615 (5th Cir. 2017) (holding that a Texas voting law that restricted interpretation assistance for LEP voters violated the VRA); *In re Cnty. of Monterey Initiative Matter*, 427 F. Supp. 2d 958, 964 (N.D. Cal. 2006) (requiring a covered county to provide Spanish translation of an election-related petition).

123 52 U.S.C. § 10503(e) (defining "language minorities" and "language minority group").

124 *Id*. § 10503(c) ("Whenever any State or political subdivision subject to ... this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language...."); *id.* § 21041(a) (Help America Vote Act). The Help America Vote Act further provides that the Election Assistance Commission "shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology," and requires grant applicants to certify that the funded research and development "will take into account ... the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965)." *Id.* § 21041(a)–(b)(1).

125 52 U.S.C. § 10508; *see Arkansas United v. Thurston*, 517 F. Supp. 3d 777, 786 (W.D. Ark. 2021) (holding that 52 U.S.C. § 10508 applies to LEP voters).

126 *See generally* 52 U.S.C. § 10503.

127 *Id.* § 10503(c); *see also id.* § 10503(b)(3)(A) (defining "voting materials").

128 Voting Rights Act Amendments of 2006, Determinations Under Section 203, 86 Fed. Reg. 69611, 69615 (Dec. 8, 2021).

129 The NYVRA defines "language minorities" and "language-minority group" as "persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage." N.Y. Elec. Law § 17-204(5-a).

130 *Id.* § 17-208(1)(a).

131 *Id.* § 17-208(1)(b).

132 *Id.* § 17-208(2).

133 *See Boureima v. New York City Hum. Res. Admin.*, 128 A.D.3d 532, 533 (1st Dep't 2015) ("[D]iscrimination against limited English proficiency (LEP) individuals … constitutes discrimination based on national origin" under the N.Y.C. Human Rights Law).

134 N.Y. Exec. Law § 296(2)(c)(i)–(ii) (defining "discriminatory practice" to include "refusal to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford facilities, privileges, advantages or accommodations to individuals with disabilities," and to include "refusal to take such steps as may be necessary to ensure that no individual with a disability is excluded or denied services because of the absence of auxiliary aids and services," unless "such modifications would fundamentally alter the nature of such facilities, privileges, advantages or accommodations").

135 N.Y. Exec. Law § 296.

136 N.Y. Civ. Rts. Law § 40-c(2).

137 N.Y. Exec. Law § 291(1)–(2) (providing that the opportunity to obtain employment; obtain an education; use places of public accommodation; and own, use, and occupy housing accommodations and public spaces without discrimination based on "age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, or disability, is hereby recognized as and declared to be a civil right"); *see id.* § 292(9) (defining "place of public accommodation, resort or amusement").

138 N.Y.C. Admin. Code § 8-107 (also providing disparate impact liability).

139 *See* Buffalo Code § 154-11 (barring discrimination, including discrimination on the basis of national origin and disability); *id.* § 154-13 (defining "national origin" under Fair Housing Law as "[a]ncestry, birthplace, culture, or language"); Rochester Code Ch. 63, Art. I (Human Rights); Albany Code Ch. 48, Art. III (Omnibus Human Rights Law).

140 *See* N.Y. Exec. Law § 202-a(1). The Office of Language Access (https://ogs.ny.gov/office-language-access) (OLA), part of the Office of General Services, is tasked with making sure agencies follow the Language Access Law. *Id.* § 202-a(6). OLA's Annual Report on agency progress under the Language Access Law is available at https://ogs.ny.gov/office-language access-annual-report-2023-2024, as required by law. *See id.* § 202-a(6).

141 *Id.* § 202-a(1).

142 N.Y. Office of Gen. Servs., *New York State Language Access Law, Top 12 NYS non-English Languages*, https://ogs.ny.gov/new-york-state-language-access-law.

143 N.Y. Exec. Law § 202-a(5).

144 *Id.* § 202-a(4)(a).

145 *Id.* §§ 17-204(5-a), 17-208.

146 N.Y. Judiciary Law § 390(1) ("Whenever any deaf of hard of hearing person is a party to a legal proceeding of any nature, or a witness or juror or prospective juror therein, the court in all instances shall appoint a qualified interpreter ... to interpret the proceeding to, and the testimony of, such deaf or hard of hearing person...."); 22 NYCRR § 217.1(a) ("In all civil and criminal cases, when a court determines that a party or witness, or an interested parent or guardian of a minor party in a Family Court proceeding, is unable to understand and communicate in English to the extent that he or she cannot meaningfully participate in the court proceedings, the clerk of the court or another designated administrative officer shall schedule an interpreter at no expense...to interpret by telephone or live audiovisual means."); *see also* N.Y. Civ. Practice Law and Rules (CPLR) 3114 ("If the witness to be examined does not understand the English language, the examining party must, at his own expense, provide a translation of all questions and answers. Where the court settles questions, it may settle them in the foreign language and in English.").

147 N.Y. State Unified Court Sys., *Language Access and Court Interpreters*, https://ww2.nycourts.gov/COURTINTERPRETER/index.shtml (citing 22 NYCRR § 217 and N.Y. Judiciary Law § 390).

148 *See* N.Y. Dom. Rel. Law §§ 240(3)(10)(a-1), 252(1-a); N.Y. Family Court Act § 169.

149 10 NYCRR § 405.7. In addition, if you are a patient in a nursing home or other facility providing health-related services, New York State law guarantees you certain rights, including the "right to receive adequate and appropriate medical care, to be fully informed of [your] medical condition and proposed treatment ... and to refuse medication and treatment after being fully informed of and understanding the consequences of such actions." N.Y. Pub. Health Law § 2803-c(3)(e). A facility providing health-related services is defined as a facility providing or offering "lodging, board, and physical care including, but not limited to, the recording of health information, dietary supervision and supervised hygienic services incident to such service." *Id.* § 2801(4)(b). The Department of Health must provide such facilities with a written statement of patients' rights in the 10 most common non-English languages. *Id.* § 2803-c(6).

150 10 NYCRR § 405.7; *see also* N.Y. Pub. Health Law § 2803-bb.

151 N.Y. Pub. Health Law § 2803-bb; 10 NYCRR § 405.7.

152 N.Y. Educ. Law § 6829(2)(a); *see id.* § 6829(1)(a) (defining covered pharmacies as pharmacies that are part of a group of eight or more pharmacies located in New York with the same ownership); 8 NYCRR § 63.11(b)(1)–(2) (requiring brick-and-mortar and mail order pharmacies, among other things, to provide free, competent oral interpretation and translation services when counseling LEP individuals about prescription medications, when gathering information needed to maintain LEP customers' medication profiles, and when assisting LEP customers in understanding prescription medication labels, warning labels, and other written materials).

153 Under New York law, employers are required to provide employees a written notice when they are hired that identifies their rates of pay and the basis for the rates in English and the language the employee has identified as their primary language. N.Y. Labor Law § 195(1)(a).

154 N.Y. Workers' Comp. Law § 17-a.

155 N.Y. Exec. Law § 296(1)(a); *see also id.* § 296(1-a) (prohibiting employers, labor organizations, employment agencies, and other entities controlling apprentice training programs from discriminating on the basis of disability, race, national origin, citizenship or immigration status, and other protected statuses in providing training and apprenticeship opportunities); N.Y. Civ. Rts. Law § 40-c(2) (prohibiting discrimination in civil rights on the basis of disability, race, national origin, and other protected statuses); N.Y. Exec. Law § 291(1) ("The opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, or disability, is hereby recognized as and declared to be a civil right.").

156 *See* N.Y. Educ. Law § 3204(2-a)–(4); 8 NYCRR §§ 117.3, 154-2; *see also* 8 N.Y.C.R.R. § 154-2.1(a) ("[E]ach school district shall provide English Language Learners equal access to all school programs and services offered by the school district, commensurate with the student's age and grade level, including access to programs required for graduation.").

157 *See, e.g.*, 8 NYCRR § 154-2.3(f); *see also id.* § 100.2(l)(4) (requiring interpretation and translation services for ELL students and parents in connection with certain student disciplinary proceedings).

158 *See* 8 NYCRR § 154-2.1(b).

159 *See, e.g.*, N.Y. Exec. Law §§ 291(2), 292(40)(a)–(c), 296(4), and 300; N.Y. Civil Rts. Law § 40-c.

160 Within three days of receiving an application for a mortgage, mortgage lenders must provide applicants an informational pamphlet in their preferred language that explains their rights, including their right to receive a clear and truthful explanation of the terms and conditions of the loan. N.Y. Banking Law § 35(1). At least 90 days before commencing a foreclosure proceeding against a homeowner, mortgage lenders and loan servicers must provide the homeowner a notice warning that they could lose their home to foreclose. Real Prop. and Proceedings Action Law § 1304(1). Such notices must be provided to LEP homeowners in their native language or a language the homeowner speaks, provided the language is one of the six most common non-English languages spoken by LEP individuals in the state. *Id.* § 1304(5).

161 N.Y. Gen. Bus. Law § 1101(1), (3) (requiring social media companies to post terms of service for social media platforms in the 12 most common non-English languages spoken by LEP individuals in New York).

162 N.Y. Pub. Health Law § 2805-p.

163 N.Y. Gen. Bus. Law § 460-b(1) ("No immigrant assistance service shall be provided until the customer has executed a written contract with the immigrant assistan[ce] service provider. The contract shall be in a language understood by the customer, either alone or with the assistance of an available interpreter ...").

164 *See In re Nat'l Sec. Agency Telecomms. Records Litig.*, 633 F. Supp. 2d 892, 908 (N.D. Cal. 2007) ("Executive orders, in and of themselves, do not preempt state law.").

165 U.S. Const. art. I, § 1 ("All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."); U.S. Const. art. II, § 3 ("[The President] shall take Care that the Laws be faithfully executed ....").

166 Exec. Order No. 14224, Designating English as the Official Language of the United States, 90. Fed. Reg. 11363 (Mar. 1, 2025) (revoking Exec. Order No. 13166, Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50121 (Aug. 11, 2000)).

167 Attorney General Pamela Bondi, *Memorandum: Implementation of Executive Order No. 14,224: Designating English as the Official Language of the United States of America* (July 14, 2025).

168 At this time, it is unclear how, if at all, Executive Order 14224 will impact language access for deaf and hard-of-hearing individuals. The July 14, 2025, DOJ memorandum acknowledges that the executive order must be implemented consistent with laws requiring effective communication with individuals with disabilities as required by the Rehabilitation Act and the Americans with Disabilities Act (ADA), but it remains to be seen how the federal government will interpret those laws. You can learn more about the Rehabilitation Act and the ADA in the section "Federal orders and policies" in this guide.

169 *See Clinton v. City of New York*, 524 U.S. 417, 438 (1998) ("There is no provision in the Constitution that authorizes the President to enact, to amend, or to repeal statutes."); *San Francisco v. Trump*, 897 F.3d 1225, 1234 (9th Cir. 2018) (holding that presidential executive orders that "attempt[] to coopt Congress's power to legislate" violate the constitutional separation of powers doctrine); *PFLAG, Inc. v. Trump*, 766 F. Supp. 3d 535, 561 (D. Md. 2025) (same); *see also Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 588 (1952) ("The Constitution did not subject [the] law-making power of Congress to presidential ... control."). In addition, the Supreme Court has recently held that "agency interpretations of statutes—like agency interpretations of the Constitution—are *not* entitled to deference." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 392 (2024) (emphasis in original).

170 The ADA contains four relevant sections, called "titles," that prohibit disability-based discrimination by employers, state and local governments, businesses open to the public, commercial facilities, transportation providers, and telecommunication companies. Title I of the ADA requires employers with 15 or more employees to provide people with disabilities an equal opportunity to benefit from employment-related opportunities. 42 U.S.C. §§ 12111–12117; *see, e.g.*, *Equal Emp. Opportunity Comm'n v. Drivers Mgmt., LLC*, 142 F.4th 1122, 1127, 1130–33 (8th Cir. 2025) (trucking company violated ADA by refusing to hire a trainee because he was deaf and needed reasonable accommodations). Part A of Title II requires state and local governments to provide people with disabilities an equal opportunity to benefit from their programs, services, and activities, including social services, public education, courts, transportation, recreation, health care, voting, emergency services, and public meetings. 42 U.S.C. §§ 12131–12134; *see, e.g.*, *Martinez v. Cuomo*, 459 F. Supp. 3d 517, 522 (S.D.N.Y. 2020) (plaintiffs' claim that the New York governor violated the ADA and the Rehabilitation Act by failing to conduct daily televised briefings with an in-frame ASL interpreter was likely to succeed). Part B of Title II requires public transit systems to provide accommodations that allow people with disabilities an equal opportunity to benefit from their services. 42 U.S.C. §§ 12141–12165; *see, e.g.*, *Segal v. Metro. Council*, 29 F.4th 399, 402, 405 (8th Cir. 2022) (finding triable issue of fact as to whether transit agency's failure to announce bus route to deafblind passenger violated, among other laws, the ADA and Rehabilitation Act). Title III requires nonprofits and businesses serving the public, including restaurants, retail stores, hotels, movie theaters, private schools, doctors' offices, hospitals, daycare centers, and private transit operators, to provide people with disabilities an equal opportunity to access the goods or services they offer. 42 U.S.C. §§ 12181–12189; *see, e.g.*, *Panarra v. HTC Corp.*, 598 F. Supp. 3d 73, 79 (W.D.N.Y. 2022) (deaf plaintiff stated claims under ADA and other laws against technology company that failed to caption its services); *Puerner v. Hudson Spine and Pain Med. P.C.*, No. 17-CV-03590 (ALC), 2018 WL 4103491 (S.D.N.Y. Aug. 28, 2018) (medical office's failure to provide ASL interpretation violated the ADA). Finally, Title IV requires telecommunication companies to provide services that allow deaf and hard-of-hearing users to communicate. 47 U.S.C. § 225.

171 Section 504 of the Rehabilitation Act of 1973 requires recipients of federal financial assistance and federal executive agencies to provide language-access accommodations for people with disabilities, including deaf and hard-of-hearing individuals. 29 U.S.C. § 794(a); *see, e.g.*, *Liese v. Indian River Cnty. Hosp. Dist.*, 701 F.3d 334, 344 (11th Cir. 2012) (hospital's failure to provide necessary auxiliary aids to deaf and hard-of-hearing individuals would violate the Rehabilitation Act); *Rothschild v. Grottenthaler*, 907 F.2d 286, 288, 293 (2d Cir. 1990) (Rehabilitation Act requires public school receiving federal financial assistance to provide sign-language interpreter services at district's expense to deaf parents of hearing children at school-initiated activities).

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, which prohibits national-origin discrimination by recipients of federal financial assistance, has been interpreted as offering similar protections for LEP individuals. *See Lau v. Nichols*, 414 U.S. 563, 568 (1974). The Supreme Court has limited the ability of entities other than DOJ to enforce Title VI when challenging practices based on discriminatory impact. *See Alexander v. Sandoval*, 532 U.S. 275, 280, 286, 293 (2001). Courts have continued to apply Title VI to language-based discrimination, however. *See T.R. v. Sch. Dist. of Phila.*, 223 F. Supp. 3d 321, 335 (E.D. Pa. 2016) ("[N]umerous federal courts have found that language[-]based discrimination constitutes a form of national origin discrimination prohibited by Title VI.") (collecting cases); *United States v. Maricopa Cnty., Ariz.*, 915 F. Supp. 2d 1073, 1079 (D. Ariz. 2012) ("[L]ongstanding case law, federal regulations and agency interpretation of those regulations hold language-based discrimination constitutes a form of national origin discrimination under Title VI.").

172 This guide uses the term "English language learner" instead of "limited English proficient" when referring to students. The EEOA prohibits the denial of "equal educational opportunity to an individual on account of his or her … national origin," including through the failure of "an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." 20 U.S.C. § 1703(f); *see Issa v. Sch. Dist. of Lancaster*, 847 F.3d 121, 140 (3d Cir. 2017) (ELL students were likely to prevail on EEOA claim against school district that provided ELL students an inferior education); *Methelus v. Sch. Bd. of Collier Cnty., Fla.*, 243 F. Supp. 3d 1266, 1277 (M.D. Fla. 2017) (allegation that district's refusal to enroll ELL students in public school and referral of those students to a noncredit adult program stated claim under EEOA); *New York by Schneiderman v. Utica City Sch. Dist.*, 177 F. Supp. 3d 739, 753 (N.D.N.Y. 2016) (allegation that district diverted ELL students to inferior alternative education programs stated claim under EEOA); *T.R. v. Sch. Dist. of Philadelphia*, 223 F. Supp. 3d 321, 335 (E.D. Pa. 2016) (allegation that district failed to provide adequate translation services to ELL students with disabilities stated claim under EEOA).

173 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, 1412(a)(1)(A); *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 402–03 (2017) (The IDEA "requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."). The IDEA's principal language-access protections pertain to deaf and hard-of-hearing students, but the act also addresses language access for ELL students and parents. For instance, the IDEA conditions state eligibility for grants for special education and related services for children with disabilities on the submission of "a plan that provides assurances … that the State has in effect policies and procedures to ensure," among other things, "that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities for services … shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so." 20 U.S.C. § 1412(a)(6)(B). The IDEA also includes various procedural safeguards that require notifications to be provided to parents in their native language, among other protections. *Id.* §§ 1415(B)(4), 1439(a)(7).

174 For instance, the Every Student Succeeds Act, which reauthorized the Elementary and Secondary Education Act of 1965, contains numerous provisions providing for language access, including those addressing (1) academic improvements generally, *see* 20 U.S.C. §§ 6301–6578; (2) language instruction for ELL and immigrant students, *see id*. §§ 6801–7014; and (3) education of indigenous students in non-English languages, *see id*. §§ 7401–7546; *see also id.* § 3420 (establishing the Office of English Language Acquisition within the Department of Education and requiring its director to "coordinate the administration of bilingual education programs by the Department").

175 52 U.S.C. §§ 10301, 10303(f)(2) (prohibiting practices and procedures which result in the denial or abridgement of the right to vote because a citizen is a member of a non-English speaking "language minority group"). In covered states and political subdivisions, all ballots and voting materials must be provided in the languages of qualifying language minority groups. *Id*. § 10503; *see OCA-Greater Houston v. Texas*, 867 F.3d 604, 615 (5th Cir. 2017) (holding that a Texas voting law that restricted interpretation assistance for LEP voters violated the Voting Rights Act); *In re Cnty. of Monterey Initiative Matter*, 427 F. Supp. 2d 958, 964 (N.D. Cal. 2006) (requiring a covered county to provide Spanish translation of an election-related petition).

176 52 U.S.C. § 10310(c)(3) ("The term 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.").

177 *Id*. § 10508 ("Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union."); *see Arkansas United v. Thurston*, 517 F. Supp. 3d 777, 786 (W.D. Ark. 2021) (holding that 52 U.S.C. § 10508 applies to LEP voters).

178 42 U.S.C. § 18116(a) ("[A]n individual shall not … be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, or under any program or activity that is administered by an Executive Agency …"); *see Saldana v. Cook Cnty. Health & Hosps. Sys.*, No. 19 CV 6178, 2024 WL 4792113, at *9–10 (N.D. Ill. Jan. 5, 2024) (finding "sufficient evidence to support [the] conclusion" that hospital violated the ACA by failing to provide a deaf patient with an in-person interpreter during treatment).

179 Whether language-based discrimination constitutes discrimination because of national origin or another protected characteristic, such as race, depends on the facts and law at issue and cannot be taken for granted. Where the facts and circumstances of a particular denial of language-access accommodations suggest that language-based discrimination may be a proxy for national-origin- or race-based discrimination, courts may find that laws prohibiting the latter two forms of discrimination apply. *See Hernandez v. New York*, 500 U.S. 352, 354 (1991) ("It may be, for certain ethnic groups and in some communities, that proficiency in a particular language, like skin color, should be treated as a surrogate for race under an equal protection analysis."); *Desrosiers v. Summit Sec. Servs., Inc.*, No. 21-CV-10941 (JPO), 2022 WL 13808524, at *4 (S.D.N.Y. Oct. 21, 2022) ("[E]vidence of language discrimination may permit a jury finding of national origin or race discrimination, such as when it is accompanied by evidence more directly proving discrimination." (cleaned up); *CNY Fair Hous., Inc. v. Swiss Vill.*, LLC, No. 521CV1217MADML, 2022 WL 2643573, at *7 (N.D.N.Y. July 8, 2022) (collecting cases indicating that language-based discrimination may, under some circumstances, be used as evidence of discrimination on the basis of race or national origin); *Equal Emp. Opportunity Comm'n v. Wisconsin Plastics, Inc.*, 186 F. Supp. 3d 945, 948 (E.D. Wis. 2016) ("It is true that language ability *per se* is not the legal equivalent to a protected class like race or national origin, but language can sometimes serve as a proxy, or stalking horse, for discrimination against a protected class."); *Rivera v. NIBCO*, 701 F. Supp. 2d 1135, 1141 (E.D. Cal. 2010) ("Language-based discrimination is often closely aligned with national origin discrimination …"). Although this guide includes references to laws that prohibit national-origin discrimination throughout, readers should conduct their own legal analysis on a case-by-case basis to determine whether any given law prohibiting national-origin discrimination offers language-access protections.

180 29 U.S.C. § 794(a)–(b); *see Basta v. Novant Health Inc.*, 56 F.4th 307, 318 (4th Cir. 2022) (deaf husband stated Rehabilitation Act claim against hospital that denied him an ASL interpreter and provided an ineffective auxiliary device while he was serving as his wife's medical proxy during her delivery of their child).

181 42 U.S.C. §§ 12132, 12182; *see Loeffler v. Staten Island Univ. Hosp.*, 582 F.3d 268, 275–75 (2d Cir. 2009) (finding issue of material fact as to whether a hospital's failure to provide ASL interpreter for deaf patient and patient's wife, forcing their children to act as interpreters, violated the Rehabilitation Act and other laws).

182 42 U.S.C. §§ 3604–06 (prohibiting discrimination in the sale or rental of housing, in residential real estate-related transactions, and in the provision of brokerage services on the basis of national origin and disability, among other protected characteristics); *see CNY Fair Hous., Inc. v. Swiss Vill., LLC*, No. 521CV1217MADML, 2022 WL 2643573, at *6–8 (N.D.N.Y. July 8, 2022) (plaintiffs stated FHA claims against housing provider whose policy requiring an English-language speaker to live in the home may have been used as a proxy for national-origin discrimination); *Fair Hous. Just. Ctr., v. Allure Rehab. Servs. LLC*, No. 15 CV 6336, 2017 WL 4297237, at *5–6 (E.D.N.Y. Sept. 26, 2017) (plaintiff stated FHA claim against nursing homes and assisted living facilities that refused to provide ASL interpreters to deaf residents); *Cabrera v. Alvarez*, 977 F. Supp. 2d 969, 977 (N.D. Cal. 2013) (Spanish-speaking plaintiffs stated FHA claim based on national origin against city housing authority whose employees denied their request for an interpreter and made hostile comments about their limited English proficiency).

183 When the VA determines that one of its medical facilities serves a "substantial number of veterans with limited English-speaking ability," the VA "shall establish and implement procedures … to ensure the identification of sufficient numbers of individuals on [the] facility's staff who are fluent in both the language most appropriate to such veterans and in English and whose responsibilities shall include providing guidance to such veterans and to appropriate Department staff members with respect to cultural sensitivities and bridging linguistic and cultural differences." 38 U.S.C. § 8110(b). "In areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal language," the VA must, to the maximum extent feasible, provide outreach services to veterans "in the principal language of such persons." *Id*. § 6303(a).

184 42 U.S.C. § 12112(a) ("No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."); *see Searls v. Johns Hopkins Hosp.*, 158 F. Supp. 3d 427, 430, 437 (D. Md. 2016) (hospital violated the ADA and Rehabilitation Act by rescinding a deaf nurse's job offer after the nurse requested a full-time ASL interpreter, which was a reasonable accommodation).

185 For instance, the Equal Employment Opportunity Act also broadly prohibits discrimination in employment based on race, color, religion, sex, or national origin. 42 U.S.C. § 2000e-2(a) (defining an unlawful employment practice to include failing or refusing to hire, discharging, or otherwise discriminating against an individual with respect to the terms, conditions, compensation, or privileges of employment, or limiting, segregating, or classifying employees or applicants for employment in a way that would deprive any individual of employment opportunities or otherwise adversely affect their status as an employee because of race, color, religion, sex, or national origin). The Omnibus Crime Control and Safe Streets Act of 1968 (SSA) provides that "[n]o person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this chapter." 34 U.S.C. § 10228(c). Civil actions may be brought under the SSA by individuals who have exhausted administrative remedies, *id*. § 10228(c)(4)(A)–(B), and at least one court has noted that the SSA applies to language-access claims, *see Ling v. State*, 288 Ga. 299, 302 (2010). The Workforce Innovation and Opportunity Act (WIOA) provides that "[n]o individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with" any program or activity that receives funding under the act on the basis of national origin, race, color, disability, age, or sex. 29 U.S.C. § 3248(a)(1)–(2). However, the WIOA defines national-origin discrimination in connection with Title VI, and there is no private right of action under the WIOA, which is enforced by the U.S. Secretary of Labor and Attorney General. *Guida v. W. Virginia Dep't of Com.*, No. 5:23-CV-359, 2024 WL 2870853, at *3 (N.D. W. Va. May 29, 2024); *Owens v. Freedom Roads Holding Co. LLC*, No. CV-17-1117-PHX-JZB, 2017 WL 11714023, at *6 (D. Ariz. July 19, 2017).

186 *See, e.g.*, 15 U.S.C. § 9513(a)(1)(C) (requiring the Under Secretary of Commerce for Minority Business Development to "provide outreach, educational services, and technical assistance in, at a minimum, the 5 most commonly spoken languages in the United States to ensure that limited English proficient individuals receive culturally and linguistically appropriate access to the services and information provided by the [Minority Business Development] Agency"); 42 U.S.C. § 12651d(b)(19) (providing that AmeriCorp's Chief Executive Officer's duties include, "where practicable, provid[ing] application materials in languages other than English for individuals with limited English proficiency who wish to participate in a national service program").

187 The Court Interpreters Act requires an interpreter if a party or witness "speaks only or primarily a language other than the English language" or "suffers from a hearing impairment … so as to inhibit such party's comprehension of the proceedings or communication with counsel or the presiding judicial officer, or so as to inhibit such witness' comprehension of questions and the presentation of such testimony." 28 U.S.C. § 1827(d)(1). "[T]he general standard for the adequate translation of trial proceedings requires continuous word for word translation of everything relating to the trial a defendant conversant in English would be privy to hear." *United States v. Joshi*, 896 F.2d 1303, 1309 (11th Cir. 1990). Federal Rule of Civil Procedure 43(d) further provides that a "court may appoint an interpreter of its choosing; fix reasonable compensation to be paid from funds provided by law or by one or more parties; and tax the compensation as costs" when taking a witness's testimony.

188 28 U.S.C. § 1827(d)(1).

189 7 U.S.C. § 2020(e)(1)(B).

190 42 U.S.C. § 5151(a). This particular provision of the Stafford Act—which governs federal disaster response activities—imposes an affirmative duty on the Federal Emergency Management Agency (FEMA) and provides individuals who have been subject to discrimination after a major disaster or emergency with a private right of action against FEMA. *Laday v. Ramada Plaza Hotel LaGuardia*, No. 07-CV-0450, 2007 WL 526613, at *2 (E.D.N.Y. Feb. 13, 2007). The burden of showing that FEMA has discriminated against an applicant for aid lies with the individual challenging an action by FEMA. *Id*.

191 42 U.S.C. § 5151(a).

192 *Id*. § 5196f(a).

193 *Id.*

194 6 U.S.C. § 321o(b)(3). The Federal Communications Commission (FCC) sets regulations for wireless carriers to support emergency alerts sent directly to cell phones, known as Wireless Emergency Alerts. Since November 2018, the FCC has required wireless carriers to support Spanish-language Wireless Emergency Alerts. 47 C.F.R. § 10.480. After years of advocacy by Attorney General Letitia James and a November 2025 demand letter issued by a multistate coalition led by Attorney General James, the FCC published a rule that requires wireless carriers to support Wireless Emergency Alerts in English, ASL, and 13 other languages by June 12, 2028. FCC, Wireless Emergency Alerts and the Emergency Alert System Rule, 91 Fed. Reg. 2317–2318 (Jan. 20, 2026) (to be codified at 47 C.F.R. pt. 10); *see also* OAG, *Att'y Gen. James Celebrates Expansion of Multilingual Emergency Alerts*, Jan. 21, 2026, https://ag.ny.gov/press-release/2026/attorney-general-james-celebrates-expansion-multilingual-emergency-alerts. Under the rule, wireless carriers will be required to support Wireless Emergency Alerts in Arabic, Chinese (Simplified and Traditional), French, German, Haitian Creole, Hindi, Italian, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese, as well as ASL and English.

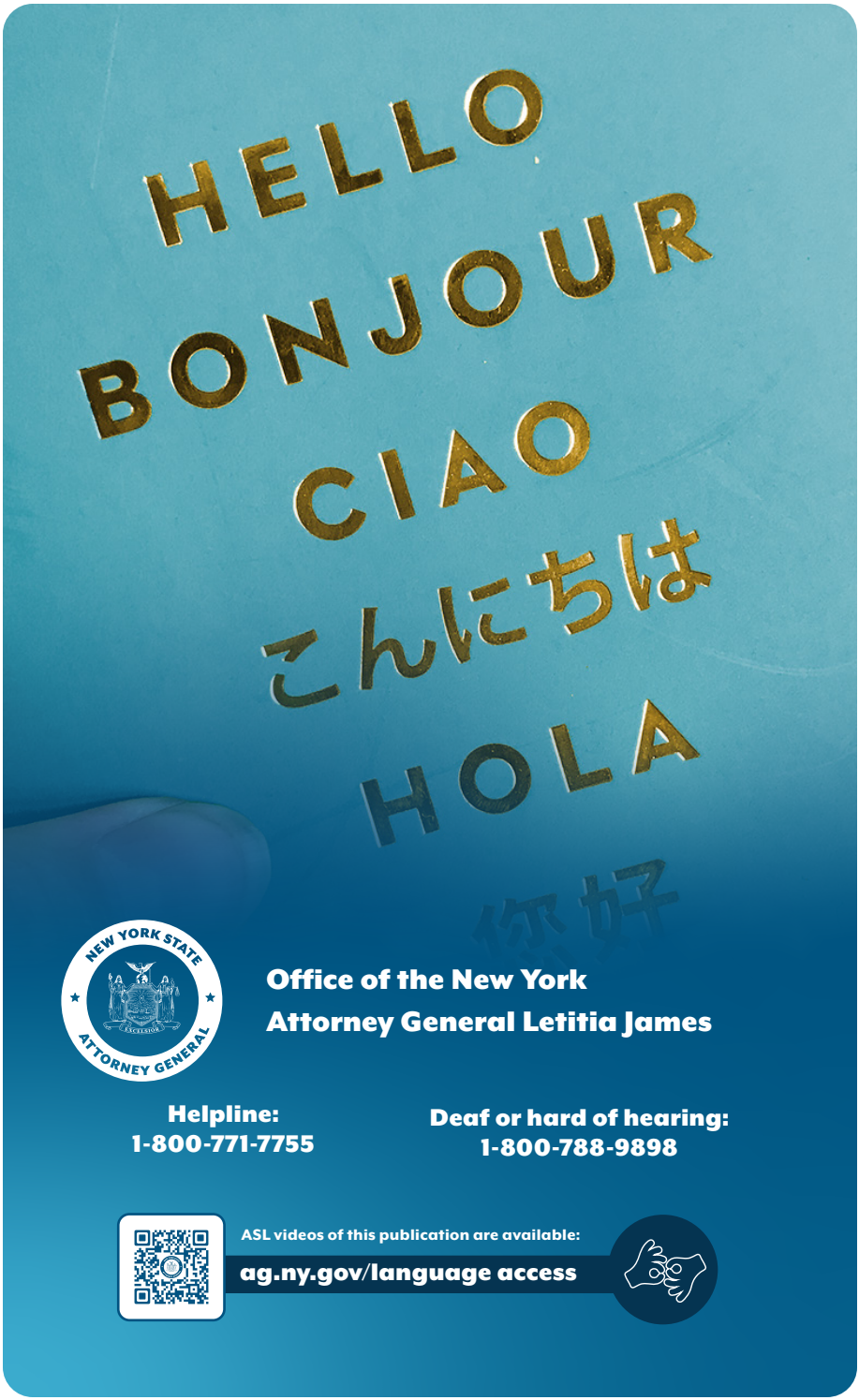
195 42 U.S.C. §§ 12132, 12141(2), 12181(1), 12182.

196 *See id.* § 12141(2); *Lopez v. Jet Blue Airways*, 662 F.3d 593, (2d Cir. 2011) (dismissing a claim under the ADA against an air carrier on the grounds that transportation by aircraft is not included in the definition of public transportation in the statute).

197 49 U.S.C. § 41705(a). Along with several other circuit courts, the Second Circuit has held that the Air Carriers Access Act (ACAA) does not provide a private right of action to aggrieved passengers. *See Lopez*, 662 F.3d at 597. Instead, an aggrieved passenger must file a written complaint with the U.S. Department of Transportation (DOT), which is generally required to investigate complaints based on "reasonable grounds." *Id.*; 49 U.S.C. § 46101(a)(1). Whether DOT will enforce the ACAA's anti-discrimination requirements may depend on the federal administration in power. Note that, while no private right of action exists to enforce the ACAA, aggrieved passengers have limited recourse in the courts after an administrative decision by DOT has been issued. 49 U.S.C. § 46110(a) (permitting a person with a "substantial interest" in an order issued by DOT to seek review of the decision in the United States Court of Appeals for the D.C. Circuit or in the circuit in which the person resides). To determine if an individual is a person with a substantial interest, courts have generally applied the same standards used when considering if a plaintiff has Article III standing. *See Illinois Dept. of Transp. v. Hinson*, 122 F.3d 370, 371–72 (7th Cir. 1997) (defining a substantial interest under § 46110(a) as "an interest in protection against injury, where 'injury' connotes (1) a palpable, ideally a measurable harm, (2) that is reasonably likely to be prevented, alleviated, or cured by the lawsuit, (3) to a concrete, individual, nonideological, in short weighty, interest"); *Competitive Enter. Inst. v. U.S. Dept. of Transp.*, 863 F.3d 911, 914 (D.C. Cir. 2017) (relying on Article III standing case law to determine that the plaintiff in this case, a user of e-cigarettes, had standing to challenge a DOT rule banning their use on airplanes).

The Fly America Act similarly prohibits domestic and foreign air carriers from discriminating on the basis of national origin, among other protected characteristics. 49 U.S.C. § 40127(a)–(b). As with the ACAA, discussed above, "most federal courts confronted with the issue have concluded that no private right of action exists" under the FAA's antidiscrimination provisions. *Shebley v. United Cont'l Holdings, Inc.*, 357 F. Supp. 3d 684, 690 (N.D. Ill. 2019); *see Shin v. Am. Airlines Grp., Inc.*, No. 17-CV-2234-ARR-JO, 2017 WL 3316129, at *2 (E.D.N.Y. Aug. 3, 2017), *aff'd sub nom. Shin v. Am. Airline, Inc.*, 726 F. App'x 89 (2d Cir. 2018); *James v. Am. Airlines*, Inc., 247 F. Supp. 3d 297, 307 (E.D.N.Y. 2017). "Nonetheless, some district courts at least have hinted otherwise." *Shebley*, 357 F. Supp. 3d at 690–91 (citing *Qayyum v. U.S. Airways, Inc.*, No. 3:08-0996, 2008 WL 4879401, at *1 n.1 (S.D. W. Va. Nov. 12, 2008); *Williams v. Midwest Airlines, Inc.*, 321 F. Supp. 2d 993, 996 (E.D. Wis. 2004); *Alasady v. Nw. Airlines Corp.*, No. Civ. 02-3669(RHK/AJB), 2003 WL 1565944, at *10 n.13 (D. Minn. Mar. 3, 2003)).

198 *See, e.g.*, 7 U.S.C. § 136a(f)(5) (requiring that safety and health information on pesticide product labels be translated into Spanish); 42 U.S.C. § 3020e-1(h) (requiring the Assistant Secretary for Aging to establish and administer a national telephone hotline that provides information to LEP individuals seeking "outreach, information, counseling, referral, and other assistance regarding pension and other retirement benefits, and rights related to such benefits").



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