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Washington County

Title VI of the Civil Rights Act of 1964 Compliance Plan

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**WASHINGTON COUNTY
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 COMPLIANCE PLAN**

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I. INTRODUCTION

Washington County is the second most populous county in Oregon, and is home for the most ethnically diverse population in the three-county Portland metropolitan region. It is a county of contrasts - urban and rural, high tech and cottage industry, international and uniquely local, with high and low-income residents.

Washington County's *Title VI of the Civil Rights Act of 1964 Compliance Plan* advances the community values of equity and fairness, and is intended to ensure equal opportunities for all community members to participate in the decisions and activities of government.

As a recipient of federal funds, Washington County is required to adopt and implement a compliance plan that describes how the Civil Rights Act of 1964 and associated rules, regulations, and executive orders will be implemented. Beyond that, the underlying ethics of public service require us to ensure that county residents do not experience discrimination as a result of our actions, decisions, projects, or services.

After the *Title VI Civil Rights Act of 1964 Plan* is adopted by the Board of Commissioners, the County will develop administrative procedures to implement it, including procedures for:

- 1) complaint process,
- 2) limited English proficiency requirements, and
- 3) environmental justice requirements.

The administrative procedures will be widely circulated and readily available to staff and the public. In addition, staff training will be provided to support the full implementation of the Title VI Civil Rights Compliance Plan and administrative procedures.

II. NONDISCRIMINATION POLICY STATEMENT

It is the policy of Washington County that no person shall be denied the benefits of or be subjected to discrimination in any program, service, or activity provided by County personnel, contractors, or consultants on the grounds of race, color, national origin, English proficiency, age, disability, religion, marital status, familial status, sex, gender, gender identity, sexual orientation, or source of income.

III. PLAN OBJECTIVES

The objectives of Washington County's *Title VI of the Civil Rights Act of 1964 Compliance Plan* are to:

- Ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination in any program, service, benefit, or activity on the grounds of race, color, national origin, or other protected classes cited in Title VI.
- Ensure that individuals with limited English proficiency (LEP) are provided meaningful access¹ to programs, services, and activities.
- Avoid, minimize, or mitigate disproportionate adverse environmental effects, including social and economic effects, on communities of color and low-income populations (additional protected classes cited in Executive Order 12898, regarding Environmental Justice) as a result of programs, services, and activities.
- Advance the goals of the County *Strategic Plan* by fostering collaboration with the community on projects that impact and benefit Washington County residents; encouraging staff to communicate effectively with the people we serve; providing quality customer service; encouraging active public participation; and welcoming and honoring our similarities and differences.
- Ensure compliance with Title VI (including compliance by subrecipients²).
- Assign responsibilities for ensuring compliance with the Civil Rights Act of 1964.
- Establish clear procedures for filing, investigating, and successfully resolving civil rights complaints on a timely basis.

¹ **Meaningful access** means the ability to use services and benefits comparable to those enjoyed by members of the mainstream cultures. It is achieved by eliminating communication barriers and ensuring that the client or potential client can communicate effectively.

² **Subrecipient** is defined as an entity or person that indirectly receives federal financial assistance to implement a program or activity, which subjects them to Title VI compliance responsibilities. A subrecipient may include, but is not limited to, a city, county, metropolitan or regional planning organization, transit agency, college/university, contractor or subgrantee.

IV. LEGAL AUTHORITY REQUIRING TITLE VI COMPLIANCE

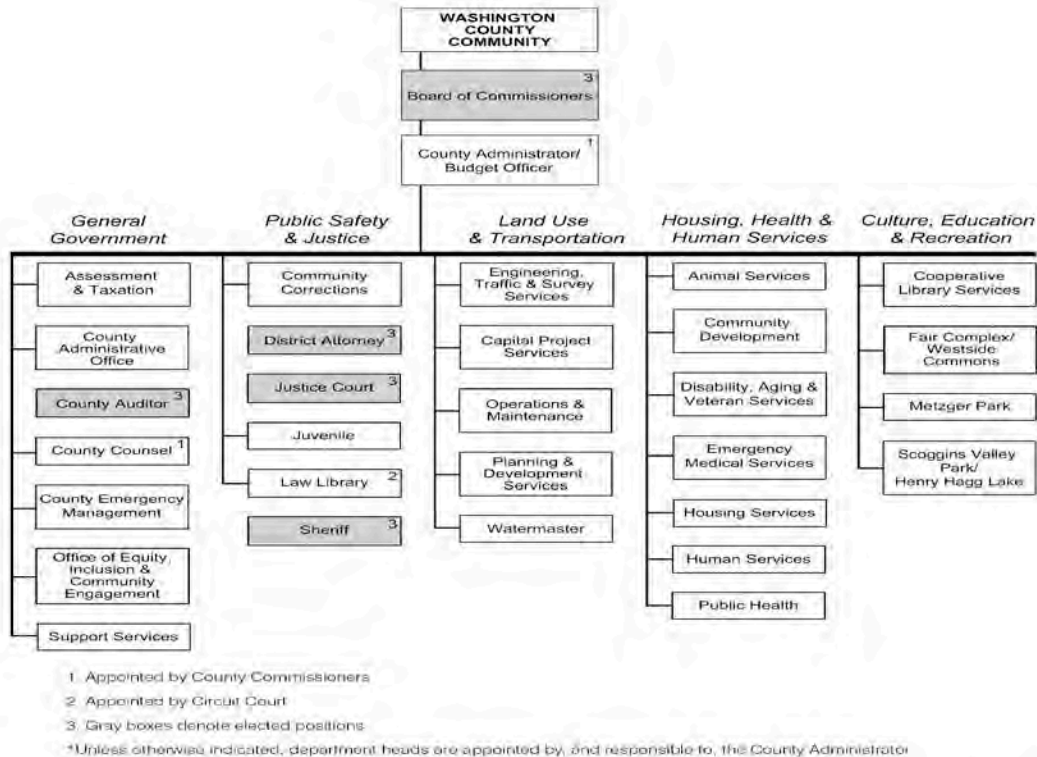
The Civil Rights Act of 1964 (the Act) is a fundamental piece of federal legislation that prohibits discrimination on the basis of race, color, or national origin in federally funded programs, services, and activities. Title VI of the Act has also been interpreted to require that persons with limited English proficiency have meaningful access to programs, services, and activities. In addition, Executive Order 12898 (Environmental Justice) requires that decision-making processes are designed to avoid, minimize, or mitigate disproportionately adverse environmental effects, including social and economic effects, on communities of color and low-income populations. Other federal, state, and county legislation prohibit discrimination based on age, disability, religion, marital status, familial status, sex, gender, gender identity, sexual orientation, or source of income.

A list of supporting legal authorities is included in Appendix 1.

V. IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 COMPLIANCE PLAN

The County Administrator is responsible for ensuring implementation of the *Title VI of the Civil Rights Act of 1964 (Title VI) Compliance Plan*. The Chief Equity and Inclusion Officer is designated as the Title VI Coordinator and has been delegated responsibility for overall management of the Title VI program. The Washington County organization chart is shown in Figure 1.

Figure 1 – County Organization Chart



VI. PUBLIC INVOLVEMENT REQUIREMENTS

As expressed in the Washington County *Strategic Plan*, we strive to ensure meaningful public engagement and involvement in the County's planning, decisions, and actions.

Public participation provides decision makers with a wide range of insights and perspectives that serve to inform policy and program development and implementation.

The *Best Practices for Public Involvement*, as summarized below, provide guidelines to inform the process of effective public involvement.

Washington County - Best Practices for Public Involvement

Step 1: Clarify a project's purpose, objectives, and anticipated outcomes. Clarity around a project's purpose and desired outcomes is fundamental to crafting an appropriate, meaningful, and efficient public involvement strategy.

Step 2: Identify the public participation objectives. Consider where on the continuum of public participation the project sits. For example, is the objective to inform the public, to obtain feedback from the public, or to directly engage the public in discussions?

Step 3: Identify the participants. Clearly identify the stakeholders and various parties who may be affected by the program or project so the public involvement effort will provide opportunities for meaningful involvement of all potentially affected people. This effort requires consideration of the potential impacts to historically under-represented persons, including those with limited English proficiency, low-income persons, and members of environmental justice communities (as defined in Executive Order No. 12898).

Step 4: Develop a public involvement plan. Focus on clearly stating what you are asking of the public and other stakeholders, building and maintaining relationships, reducing barriers to participation, choosing appropriate public involvement tools for the identified audience(s), and considering external review of draft project public involvement plans.

Step 5: Implement and adapt as needed. Make ongoing adjustments to ensure meaningful opportunities are provided for engagement of people and communities that will be affected.

Step 6: Provide feedback to the community. Throughout the planning/project period, provide feedback to participants and the broader community about information received from the public and how that impacted county decisions.

Step 7: Report and evaluate. Share public comments with decision makers to inform their decisions. Evaluate the public involvement effort to determine what worked and did not work to learn from the process.

As an example of the County's commitment to public involvement, on October 7, 2014 the Board of Commissioners adopted the *Public Involvement Guidelines for Transportation Planning, Programs and Projects*. The County also supports a wide range of additional involvement efforts, including but not limited to citizen participation organizations, advisory boards and commissions and a range of public meetings/open houses.

Washington County will consistently notify the public of the protections provided by Title VI and related statutes, and will provide information on how to become involved in County activities and decisions.

VII. LIMITED ENGLISH PROFICIENCY REQUIREMENTS

A person with limited English proficiency (LEP) is defined as someone who does not speak English as her/his primary language and has a limited ability to read, write, speak, or understand English. Washington County seeks to ensure that persons with LEP have meaningful access to programs, services, and activities. Language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with regulations, or understanding other information provided by programs and activities. In some cases, it may be necessary to provide translation and/or interpretation services for LEP individuals. For this plan, translation refers to translating written communication; interpretation refers to translating spoken or verbal communication.

Persons interacting with the County will be notified of the availability of language assistance services. Washington County will assess the language proficiency of persons living in the county to determine how to provide meaningful access to services, programs, and activities. The County will identify documents vital to the public's interaction with the County departments and will pursue translation of those documents as necessary.

Vital documents are "any documents that are critical for ensuring meaningful access to major activities and programs by beneficiaries generally and LEP persons specifically" (*Final LEP Guidance, Frequently Asked Questions*, as published in the *Federal Register* on January 22, 2007). Vital documents may include, but are not limited to:

- administrative complaint, release, or waiver forms,
- claim or application forms,
- letters of findings,
- public outreach or educational materials,
- letters or notices pertaining to statutes of limitations, referrals to other agencies, decisions to decline to investigate a case, or case closures,
- written notice of rights, denial, loss, or decrease in benefits or services,
- notices of community meetings or other community outreach activities,
- notices regarding the availability of language assistance services at no cost to the individual, and
- certain consent orders, decrees, memoranda of understanding, or other types of pleadings or litigation materials.

In making decisions about translating written materials, the four factors listed below will be considered (U.S. Department of Justice guidelines).

1. The number or proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP individuals come in contact with or try to access County programs, services, or activities.
3. The nature and importance of the program, activity, or service.
4. The resources available and costs.

All County departments have access to contractors who can provide telephonic, written, and in-person translation and interpretation services through on-call contracts with multiple providers.

A procedural guide on accessing and providing translation and interpretive services and instructions will be maintained and made available to staff and public.

VIII. ENVIRONMENTAL JUSTICE REQUIREMENTS

The purpose of Executive Order 12898, signed by President Clinton in 1994, is to focus federal attention on the environmental and human health effects of federal actions on minority and low-income populations in order to achieve environmental protection for all communities.

The E.O. directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law. The order also directs each agency to develop a strategy for implementing environmental justice. The order is also intended to promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation. (United States Environmental Protection Agency, Laws and Regulations, Summary of Executive Order 12898)

Environmental justice is based on the concepts of fair treatment and equal protection for all people, and an equitable distribution of the benefits and burdens of governmental decisions and actions. No group(s) of people should bear a disproportionate share of negative environmental consequences resulting from the implementation of governmental policies, programs, or projects.

Self-determination is also a fundamental principle of environmental justice. All stakeholders must have an opportunity for meaningful involvement in decisions that may affect their lives. To ensure fair treatment and involvement of all affected communities in decision-making, the County will assess the potential impacts of decisions and actions on low-income, minority, and other historically underrepresented communities (using census information and any other readily available demographic information); and will provide opportunities for meaningful public involvement that are accessible to all county residents and stakeholders.

A procedural guide to environmental justice requirements will be maintained and made available to staff and public.

IX. ADMINISTRATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 PROGRAM

This section outlines how Washington County will administer its *Title VI of the Civil Rights Act of 1964 Compliance Plan*. It identifies the roles and responsibilities of various staff.

County Administrator

The County Administrator is responsible for ensuring the organization's compliance with Title VI requirements. To ensure compliance, the County Administrator will appoint a Title VI Coordinator and departments will designate Title VI Liaisons.

Title VI Coordinator – Chief Equity and Inclusion Officer

The Chief Equity and Inclusion Officer is designated as the Title VI Coordinator. The Title VI Coordinator will work collaboratively with department directors, Title VI Department Liaisons, Support Services managers, and other assigned staff in carrying out the Title VI Coordinator responsibilities. The Title VI Coordinator is responsible for the following activities:

- **Review Program and Coordinate Implementation.** Review Title VI program to assess related administrative procedures, staffing, requirements, and other required resources and coordinate its overall administration, including its implementation and monitoring to ensure compliance with program objectives and Title VI requirements.
- **Address Disparities.** Develop procedures to eliminate discrimination in the benefits and burdens of projects, programs, and services.
- **Prepare Annual Report.** Prepare annual Title VI Accomplishments Report.
- **Update the Plan.** Update Title VI Compliance Plan as required or needed, to address changes in federal laws, rules, and regulations, changes in assignment of responsibilities, and changes in Washington County policies.
- **Disseminate Information.** Provide information about the *Title VI of the Civil Rights Act of 1964 Compliance Plan* to staff, the general public, and interested parties, as needed, requested, or required. Public dissemination may include postings of official nondiscrimination statements in a variety of electronic and written media, inclusion of Title VI language in contracts or other agreements, website postings, and other methods to make the information readily available to the public. As appropriate, materials will be translated into languages other than English.
- **Manage Data.** Manage data collection by departments; update data collection and analysis procedures as necessary to ensure sufficiency of data for Title VI Program administration and compliance with Title VI requirements.
- **Provide Training.** Facilitate training programs on Title VI compliance issues and regulations, implementation of this plan at the department and staff level, and the related administrative procedures (for the complaint process, Limited English Proficiency requirements, and Environmental Justice requirements to be developed after adoption of this plan).

- **Review Complaints.** Review Title VI complaints and follow adopted procedural guidelines to resolve complaints. Every effort will be made to resolve complaints informally to the satisfaction of the parties.

The Title VI Coordinator shall maintain an accurate and updated list of all Title VI Department Liaisons.

Department Directors

Department directors, or designees, are responsible for day-to-day administration of Title VI Program within their respective departments. Each department director will appoint a Title VI Department Liaison to assist with program administration.

Department director responsibilities related to Title VI of the Civil Rights Act of 1964 include:

- **Program Compliance.** Ensure department compliance with Title VI in the implementation of the department's plans and programs. Inform and work proactively with department staff to prevent disparities and take corrective action when necessary. If complaints arise, notify the Title VI Coordinator immediately, and work to resolve them.
- **Identify Data Measures.** Identify data necessary to identify disparities in the benefits and burdens of projects, programs and services.
- **Analyze Data.** Collect and analyze data regarding participants in and beneficiaries of department programs, activities, and services. Analyze the data to determine the benefits and burdens to eligible populations, including persons protected by Title VI and other associated civil rights statutes.
- **Environmental Justice.** Assess whether any decision, service, program, or benefit will result in potential disproportionate adverse human health and environmental effects (including social and economic effects) on low-income communities, minority communities, or members of federally recognized Indian tribes.
- **Access for Persons with Limited English Proficiency.** Provide access for persons with limited English proficiency (LEP) to programs, services, and benefits.
- **Engage the Public.** Ensure adequate opportunities are provided for meaningful participation by all stakeholders in county governance and services.

X. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 COMPLAINTS

Washington County is committed to ongoing improvement of our programs and services and welcomes any comments or suggestions towards that end. Every effort will be made to resolve complaints quickly and to the satisfaction of the complainant.

Title VI of the Civil Rights Act of 1964 Discrimination Complaints

Any person who believes that he/she has been excluded from participation in activities or programs, or has received unequal treatment or discrimination in the receipt of benefits and/or services based on their race, color, or national origin (including limited English proficiency) has the right to file a Title VI discrimination complaint with the Chief Equity and Inclusion Officer/Title VI Coordinator. **Title VI complaints are limited solely to complaints of discrimination based on race, color or national origin (including limited English proficiency).**

County Administrative Office
C/O Chief Equity and Inclusion Officer
155 N First Avenue, Suite 300, MS 21
Hillsboro, OR 97124-3072
P. 503-846-8685, F. 503-846-4545
cao@co.washington.or.us

This *Title VI of the Civil Rights Act of 1964 Compliance Plan* relates only to complaints of discrimination based on alleged actions of staff or subrecipients. The procedure described in this chapter applies to all complaints filed under Title VI of the Civil Rights Act of 1964, arising from any program, service, or activity of the County or its subrecipients. The Title VI complaint process is an administrative process and does not provide for compensatory or punitive damages.

The Washington County Title VI complaint procedure is not exclusive. A person filing a complaint with the County Administrative Office may also file a complaint with other state or federal agencies or the courts. Generally, federal agencies require Title VI complaints to be filed within 180 days of the date of the alleged discrimination. The complainant should consult with the state or federal agency to verify time limits and requirements or procedures for filing Title VI discrimination complaints with that agency.

Filing Title VI Discrimination Complaints

Complaints must be provided in writing and addressed to the County Administrative Office and signed and dated by the complainant. A detailed procedural guide to the Title VI complaint process will be maintained and made available to staff and public.

Non-Title VI Civil Rights Act of 1964 Discrimination Complaints

As noted previously, Title VI complaints are limited solely to complaints of discrimination based on race, color, or national origin (including limited English proficiency). This *Title VI of the Civil Rights Act of 1964 Compliance Plan* focuses on these specific types of discrimination complaints. However, complaints of discrimination based on age, disability, religion, marital status, familial status, sex, gender, gender identity, sexual orientation, or source of income (non-Title VI discrimination complaints) will be resolved through a similar process. These complaints may be filed with the County Administrative Office, at:

County Administrative Office
C/O Chief Equity and Inclusion Officer
155 N First Avenue, Suite 300, MS 21
Hillsboro, OR 97124-3072
P. 503-846-8685, F. 503-846-4545
cao@co.washington.or.us

XI. CONTRACTOR AND SUBRECIPIENT AGREEMENTS

It is the policy of Washington County that contractors and subrecipients² acknowledge that they are aware of federal, state, and local non-discrimination requirements. Washington County contracts and subrecipient agreements include the non-discrimination clauses required by federal statute and executive orders and their implementing regulations.

XII. Implementation

To ensure timely and continuing compliance with the *Title VI of the Civil Rights Act of 1964 Compliance Plan*, the County will carry out the following activities:

- Develop, document and distribute administrative procedures for the following:
 1. Complaint process
 2. Limited English proficiency requirements
 3. Environmental justice requirements
- Complete and regularly update a language assessment of Washington County residents, and prepare a Language Assistance Plan
- Review all contracting documents and ensure that contract language is consistent with the *Title VI Compliance Plan*
- Develop notices advising the public of the protections available under this plan and post them in reception areas, other places the public might access, and on the County website
- Train staff on how to access the translation and interpretation services available at Washington County
- Train staff on Title VI Civil Rights Act of 1964 requirements and the County *Title VI of the Civil Rights Act of 1964 Compliance Plan*, focusing particularly on responsibilities for implementing it at the department and staff levels.

APPENDICES

Appendix 1

Legal Authority for Washington County's Title VI of the Civil Rights Act of 1964 Compliance Plan

This list is not an exhaustive list of all civil rights statutes.

Washington County Personnel Rules and Regulations

Article 5.1 - Prohibits:

Acts of discrimination or harassment in the workplace based on race, religion, color, gender, national origin, age, marital status, sexual orientation, gender identity, or disability.

Article 12 - Affirms Washington County's:

...official policy of non-discrimination towards any qualified employee or applicant for employment. Discrimination on the basis of race, gender, gender identity, religion, national origin, age, source of income or economic status, disability, disabled or Vietnam era veteran status, sexual orientation, or marital status is prohibited by all employees of Washington County (except where there are bona fide occupational qualifications).

Selected Oregon Revised Statutes

ORS 659A.030 - Prohibits discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status, or age in cases of employment.

ORS 659A.375- Employer policies relating to prevention of discrimination and sexual assault: Requires written policy containing procedures and practices for the reduction and prevention of discrimination prohibited by ORS 659A.030.

ORS 659A.403 - Provides protection from discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status, or age in places of public accommodation.

ORS 659A.421 - Provides protection from discrimination in transactions for the sale, lease or renting of real property based on race, color, religion, sex, sexual orientation, national origin, marital status, familial status, or source of income.

Federal Non-discrimination Statutes

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000, Section 601 - Prohibits discrimination in impacts, service and benefits of, access to, participation in and treatment under a federal-aid recipient's program or activities. It states:

No person in the United States shall, on the grounds of race, color, or national

origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The **Age Discrimination Act of 1975, as amended 42 U.S.C. 6101** - Prohibits discrimination based on age. It states:

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601** - Provides for fair treatment of persons displaced by federal programs and projects or projects and programs funded with federal aid. It states:

For the fair and equitable treatment of persons displaced as the direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.

The **Federal-aid Highway Act, 49 U.S.C. 306** - Outlines the responsibilities of the U.S. Department of Transportation and at (c) outlines the Secretary's authority to decide whether a recipient has not complied with applicable civil rights statutes or regulations, requires the Secretary to provide notice of the violation, and requires necessary action to ensure compliance.

The **1973 Federal-aid Highway Act, 23 U.S.C. 324** - Prohibits discrimination on the basis of sex. It states:

No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title.

The **Civil Rights Restoration Act of 1987, P.L. 100-209** - Provides clarification of the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. It restores the broad, institution-wide scope and coverage of the non-discrimination statute to include all programs and activities of federal-aid recipients, subrecipients and contractors, whether such programs and activities are federally assisted or not.

The **Uniform Relocation Act Amendments of 1987, P.L. 101-246** - Updated the 1970 Uniform Relocation Act and clarifies the intent of Congress in programs and projects that cause displacement. It states:

For fair, uniform, and equitable treatment of all affected persons; ...(and) minimizing the adverse impact of displacement...(to maintain)...the economic and social well-being of communities; and...to establish a lead agency and allow for

State certification and implementation.

- The **Americans with Disabilities Act of 1990, P.L. 101-336** - Provides an enforceable standard to address discrimination against people with disabilities. It states:

No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.

The **Civil Rights Act of 1991** (in part) - Amended Section 1981 of 42 U.S.C. by adding two new sections that state:

(b) For the purposes of this section, the term 'make and enforce contracts' includes the making, performance, modification, and termination of contracts and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) The rights protected by this section are protected against impairment by non-governmental discrimination and impairment under color of State law.

Title VIII of the 1968 Civil Rights Act, 42 U.S.C. 3601 - Prohibits discrimination in the sale or rental of housing. HUD is the primary interested agency; but under Title VI, FHWA and states are responsible for preventing discrimination in the acquisition of Right-of-Way. It states:

(1) It shall be unlawful...to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion or national origin.

The **National Environmental Policy Act of 1969, 42 U.S.C. 4321** - Requires the consideration of alternatives, including the “no-build” alternative, consideration of social, environmental and economic impacts, public involvement, and use of a systematic interdisciplinary approach at each decision-making stage of federal-aid project development.

Federal Non-discrimination Executive Orders (E.O.)

E.O. 12250 - DOJ Leadership and Coordination of Non-discrimination Laws

E.O. 12292 - Amended E.O. 12259 (in part) and addressed leadership and coordination in federal fair housing programs. The E.O. affirmatively furthers fair housing in all federal programs and activities relating to housing and urban development throughout the United States.

E.O. 12898 - Includes federal actions to address environmental justice in minority populations and low-income populations. The E.O. directs federal agencies to identify and address potential disproportionately high and adverse human health or environmental effects of their

actions on minority and low-income populations, to the greatest extent practicable and permitted by law.

E.O. 13160 - Prohibits discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs.

E.O. 13166 - Requires federal agencies and their recipients to improve access to federally sponsored programs for persons with limited English proficiency.

E.O. 13175 - Requires consultation and coordination with Indian tribal governments where rules will have substantial direct compliance costs for Indian tribal governments, and are not required by statute, and where they would preempt tribal law.

First Amendment to the United States Constitution

The first amendment to the U.S. Constitution states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of people peaceably to assemble, and to petition the Government for a redress of grievances.