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Committee on the Judiciary
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**Performance Oversight Hearing
Office of Human Rights**

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INTRODUCTION

Good afternoon Chairman Allen and members of the Committee on Judiciary & Public Safety. My name is Michael Villafranca. I am a Policy Analyst at Children's Law Center¹ and a resident of the District. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. We represent hundreds of families per year about the education of children with disabilities, and we help many families with limited English proficiency.

I appreciate this opportunity to testify regarding the performance of the District's Office of Human Rights (OHR). Since the creation of the Citywide Youth Bullying Prevention Program several years ago within OHR, Children's Law Center has engaged with their important work. Our experiences have been consistently positive, despite the small staff for the program and the magnitude of the task. Through the work of Program Director Suzanne Greenfield over the last four years, 100% of DC agencies and 95% of Local Education Agencies (DCPS and Public Charter Schools) have compliant bullying prevention policies.² Increased efforts to engage with the community have also been made, including participation on panels hosted by both the Anti-Defamation

League and the Capital Area Muslim Bar Association (CAMBA) to address concerns around the rise of anti-Muslim incidents in schools.³

Through a four-year research grant from the National Institutes of Justice, OHR has also partnered with the Office of the State Superintendent of Education (OSSE) and Child Trends to focus on school climate and violence prevention in the District's schools through implementation of the evidence-based Safe School Certification Program (SSCP).⁴ We are honored to be part of the program's Certification and Advisory Board and look forward to seeing the positive school climate outcomes sure to result from this program. We also look forward to supporting the continued work of the Citywide Youth Bullying Prevention Program with all youth-serving DC agencies.

LANGUAGE ACCESS

As a member organization of the DC Language Access Coalition, we also want to discuss some concerns about language access. Last year, OHR launched the Language Access Information Portal, which, in addition to providing valuable tools and resources for agencies, provides information regarding language access rights to limited and non-English proficient residents.⁵ However, despite the efforts of OHR to train and oversee compliance with the *Language Access Act of 2004*, many of our client families who are limited English proficient or non-English proficient have difficulty accessing services at multiple government agencies. Many times their needs for interpretation of conversations and translation of documents go unmet by agency staff. While OHR's

own field testing has shown improvement in the percentage of in-person testers and phone testers who received adequate language assistance,⁶ OHR has seen a significant increase in received and docketed language access complaints.⁷ Because Children's Law Center most often interacts with public schools on this issue, however, I will focus on schools today.

As this Committee heard over a year ago at the joint public hearing for the *Language Access for Education Amendment Act of 2015*, which was reintroduced last month and which we hope this Committee will continue to support through Council passage, many students struggle in school and families struggle to engage in their children's education because of language barriers.⁸ Language access is not only a human right, but improving partnerships with parents of all language and cultural backgrounds is a key way that schools can help students achieve. Many of our client families are unable to communicate with school staff and unable to read vital documents, including report cards, suspension/expulsion notices, and attendance/truancy plans. Interpreters are rarely present for parent-teacher conferences and other events at which English-proficient parents can freely engage with teachers and school leaders. Some of the public schools have interpreted their duty to translate documents under the Act in a restrictive way, leaving our parents of children with disabilities without translated Individualized Education Programs (IEPs) and progress reports. Many schools do not have a language access coordinator who has enough time

to devote to all the families who need language access and all the important events and documents that need translation.

OHR has limited resources and ability to enforce and monitor under the current *Language Access Act* and with its current level of staffing.⁹ OHR has done trainings, has started working with some public charter schools, and has worked with DCPS on a Corrective Action Plan for several years. However, work by DCPS and other agencies, such as the Department of Behavioral Health, to come into compliance has been slow¹⁰ or, as in the Department of Health's and OSSE's case, has diminished.¹¹ To be more effective, OHR should have an enforcement mechanism, specifically a fine structure, to spur compliance. OHR should have the ability to oversee the language access compliance of all public schools in the District. The *Language Access Act* should be amended to clarify what documents schools must translate, since current interpretations by public schools vary. The Act should also ensure that schools encountering high populations of students and parents with limited English proficiency dedicate an employee for language access activities. OHR also needs more resources to be able to conduct ongoing monitoring and technical assistance at different schools and agency service centers, to fulfill their mission. We recommend this Committee ask OHR leadership about what resources and staffing is needed to realize the vision of the *Language Access Act* -- that "our city can continue to thrive on the full engagement and participation of all its communities."¹²

CONCLUSION

Thank you for the opportunity to testify. I am happy to answer any questions.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² Bullying Prevention Task Force FY16 Performance Oversight Responses, Q 6.

³ *Id.*

⁴ OHR Performance Oversight Responses, Q. 12; see also <http://cfo.dc.gov/federal-grant-provides-38-million-bullying-prevention-district-0>

⁵ OHR FY16 Performance Oversight Responses, Q3.

⁶ In-person field tests saw a 22% increase to 89% and phone field tests saw a 5% increase to 45%. See, DC Office of Human Rights, (2016), *Language Access in the District: 2015 Annual Compliance Review*, p. 22.

Retrieved from

http://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/LAAR_2015_FINAL_HighQ2_041116.pdf

⁷ In FY15, OHR saw a 35% increase in language access complaints received and a 45% increase in language access complaints docketed. See, DC Office of Human Rights, (2016), *Language Access in the District: 2015 Annual Compliance Review*, p. 23.

⁸ Committee on Education Report on B21-066, *Language Access for Education Amendment Act of 2015* (November 9,2015), <http://lims.dccouncil.us/Download/33343/B21-0066-CommitteeReport1.pdf>

⁹ Although the Language Access Program leverages community partners such as the Language Access Coalition and many bilingual volunteers, the program is staffed with only two FTEs and a few interns and Fellows to oversee and monitor nearly 40 government agencies that significantly interact with the public, and their contractors and grantees. See, DC Office of Human Rights, (2016), *Language Access in the District: 2015 Annual Compliance Review*.

¹⁰ Office of Human Rights, (2016), *Language Access in the District: 2015 Annual Compliance Review*, p. 53, 33.

¹¹ Office of Human Rights, (2016), *Language Access in the District: 2015 Annual Compliance Review*, p. 38, 61.

¹² Quote from OHR’s Language Access Director, Winta Teferi. See, DC Office of Human Rights, (2016), *Language Access in the District: 2015 Annual Compliance Review*, p. 3.