



501 3rd Street, NW · 8th Floor
Washington, DC 20001
T 202.467.4900 · F 202.467.4949
childrenslawcenter.org

Testimony Before the District of Columbia Council
Committee on Judiciary & Public Safety
February 22, 2018

Public Hearing:
Performance Oversight of the Office of Human Rights

Michael Villafranca
Policy Analyst
Children's Law Center

Introduction

Good afternoon Chairperson Allen and members of the Committee. 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 more than 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 in education matters for their 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) over the past year. I am going to focus my testimony today on the Safe Schools Certification Program and challenges under the Language Access Act.

SAFE SCHOOL CERTIFICATION PROGRAM

Since the creation of the Citywide Youth Bullying Prevention Program several years ago within OHR,² Children’s Law Center has engaged with its important work, and our experiences have been consistently positive, despite the small staff for the program and the magnitude of the task. Through the work of the Program Director, Suzanne Greenfield, almost all public schools have compliant bullying prevention

policies,³ and we're happy to learn that the Program has launched a new initiative focusing on youth social media activities and is developing evidence-based strategies for teaching our youth how to be safe when accessing social media.⁴ However, the challenge of addressing bullying is more complicated than just having policies that are compliant with the law. We know from research that one of the best ways to prevent bullying is to address school climate issues.

Positive school climate is associated with academic achievement, school success, effective violence prevention, student's healthy development, and teacher retention.⁵ In September 2015, the District was awarded a \$3.8 million federal grant to focus on school climate and violence prevention through implementation of the evidence-based Safe School Certification Program (SSCP), through the work of the Bullying Prevention Task Force, the Office of the State Superintendent of Education (OSSE), and Child Trends.⁶ The three-year model of the program aims to help schools understand what is and is not working in their current programming and how to shift their focus to better address the needs of their communities. The Citywide Youth Bullying Prevention Program successfully recruited 30 middle schools and high schools to join and receive technical assistance on both implementing the SSCP model, as well as data collection and interpretation. The focus on middle and high schools is important because of serious school climate-related concerns in those grade levels.⁷ For example, in 2017, 27.2% of

male and 37.6% of female middle school students reported being bullied on school property.⁸

Additionally, the federal grant provides funding for schools to enhance their current programming or implement new evidence-based programs that respond to their needs.⁹ For example, some schools are utilizing restorative practices to help strengthen students' ability to contribute to a positive school culture.¹⁰ We are concerned to see that nearly half of the schools in the program, which included both DCPS and PCS schools, have discontinued participation in the project since its start.¹¹ Just this school year, nine schools dropped out.¹² It is discouraging to see many schools turning away a critical source of funding and support that they could use to help improve their school climates, especially given the high level of school climate needs. If schools do not use the funds, the District will have to return the money to the federal government and students will not benefit.

LANGUAGE ACCESS

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 continue to 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 this is an issue in many agencies,

Children's Law Center most often interacts with public schools on this issue, so I will focus on schools.

As this Committee heard over two years ago at the joint public hearing for the *Language Access for Education Amendment Act of 2015*, which continues to sit idly before the Committee of the Whole, many students struggle in school and families struggle to engage in their children's education because of language barriers.¹³ 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.

Continuous monitoring by OHR has shown that work by DCPS, in particular, to come into compliance with current language access law has diminished. For example,

OHR noted in its annual language access compliance review, released last spring, that aside from the fact that only a third of telephone field tests conducted in DCPS schools resulted in receiving language assistance, “testing results also indicated that many of the calls made by testers in languages other than Spanish were hung up on.”¹⁴ OHR also noted that DCPS has still not complied with training requirements or met long-standing corrective action commitments to train central office staff and front-line staff from prioritized schools.¹⁵

Despite the diminished compliance of DCPS and many other agencies with major public contact, OHR continues to have limited resources and ability to enforce and provide effective technical assistance under the current *Language Access Act* and with its current level of staffing.¹⁶ For example, targeted technical assistance provided by the Language Access Program is particularly vital to effective implementation of the law, but due to limited staffing, the program was only able to provide such assistance to four out of eight agencies that received the lowest compliance scores in FY17, with the remaining four slated to receive assistance in FY18.¹⁷ Therefore, in addition to passing the *Language Access for Education Amendment Act*, we urge the Council to ensure OHR is given the resources and staffing 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.”¹⁸

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 advocate 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 more than 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 See the *Youth Bullying Prevention Act of 2012*, DC Law L19-167.

³ Bullying Prevention Task Force FY17 Performance Oversight Responses, Q4e.

⁴ OHR 2018 Performance Oversight Responses, Q37.

⁵ Cohen, J. McCabe, E. M., Michelli, N., & Pickeral, T. (2009). *School Climate: Research, Policy, Practice, and Teacher Education*. New York, NY: Teachers College Record Vol. 111, No 1.

⁶ Bullying Prevention Task Force FY16 Performance Oversight Responses, Q19.

⁷ For example, about a third (67.8%) of middle school students and a third (65.2%) of high school students do not report having at least one teacher or other adult in their school that they can talk to if they have a problem. See OSSE 2017 *Youth Risk Behavior Survey Results Summary Tables* for middle school (p. 50) https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2017%20DC%20Middle%20School%20Summary%20Tables.pdf and for high school (p. 104)

<https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2017%20DC%20High%20School%20Summary%20Tables.pdf>. Another example can be found in the bullying data found in Note 16.

⁸ See OSSE (February 2018). *2017 District of Columbia Youth Risk Behavior Survey*, p. 42. Retrieved from <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2017%20YRBS%20Report.pdf>.

⁹ Bullying Prevention Task Force FY17 Performance Oversight Responses, Q2c.

¹⁰ OSSE FY17 Performance Oversight Responses, Q38-39.

¹¹ At the start, 30 cross-sector schools were slated to participate in the pilot. See Bullying Prevention Task Force FY16 Performance Oversight Responses, Q2; now, there are only 18 schools currently in the project. See Bullying Prevention Task Force FY17 Performance Oversight Responses, Q16f.

¹² *Id.*

¹³ 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>

¹⁴ DC Office of Human Rights (2017). *FY16 Language Access Annual Compliance Review*, p. 49. Retrieved from <http://lims.dccouncil.us/Download/38001/RC22-0046-Introduction.pdf>.

¹⁵ *Id.*

¹⁶ 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 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 (2017). *FY16 Language Access Annual Compliance Review*.

¹⁷ OHR 2018 Performance Oversight Responses, Q59.

¹⁸ Quote from OHR’s Language Access Director, Winta Teferi. See DC Office of Human Rights (2016). *FY15 Language Access Annual Compliance Review*, p. 3.