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Testimony Before the District of Columbia Council
Committee on Public Works and Operations
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Office of Human Rights

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Introduction

Good afternoon, Councilmember Nadeau and members of the Committee. My name is Mariatu Okonofua and I am a Public Service Legal Policy Fellow at Children's Law Center. Children's Law Center believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism, and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners, and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Thank you for the opportunity to testify today regarding the Mayor's proposed FY25 budget for the Office of Human Rights. Over the last decade, the District's growing economy has supported significant, progressive investments in housing, behavioral health, child welfare prevention, and educational supports. Unfortunately, this year the District is considering cuts to the budget at a scale the city has not seen since the Great Recession.¹ Many fear that these impressive advancements will come to a halt. However, Children's Law Center believes the District still has a choice.

In a time of economic difficulty, the DC Council can choose to take the long view; it can choose to protect important investments in our community's future health, education, and economic development. As you consider spending to drive business and tourism, recognize that the growth and vitality we want in our city requires multi-dimensional investments inclusive of all parts of our community. Even with budget pressures, we urge this Council to not forget what residents have repeated in public hearings over the last year – that public safety, academic achievement, and economic development require sustained investment in access to housing, education, and healthcare.

Through our representation of students with disabilities and their families, Children's Law Center has witnessed the struggles that families with limited English proficiency (LEP) experience in receiving routine communications and vital information about key social services.² In particular, our clients have struggled to gain access to information about their children's educational services in their preferred language. This week marks the twentieth anniversary of the passage of the Language Access Act. As we reflect on the work of OHR's Language Access Program (LAP), we highlight their important role in closing this equity gap for LEP families and students by monitoring the accessibility of programs and services offered by covered entities such as District of Columbia Public Schools (DCPS) and the Office of the State Superintendent of Education (OSSE), and by providing accountability for language access violations.³

However, the proposed cuts to OHR's budget for FY25 would limit the LAP's capacity to enforce the Language Access Act of 2004 and effectively address the education sector's shortcomings. To ensure a budget that prioritizes all District residents' access to education, health, housing, and other social services, I will be testifying today regarding the necessary increase in OHR's FY25 funding to enable the hiring of two additional full-time equivalents (FTEs) in the Language Access Program.

The LAP Requires an Expansion to Its Staff to Effectively Enforce the Language Access Act

As we highlighted in our performance oversight testimony, CLC clients have experienced several issues with individual DCPS schools not abiding by the language access rights of limited or non-English Proficient (LEP/NEP) students and their families.⁴ These clients often face a lack of translation of vital documents such as disability evaluation reports, extended wait times in receiving translated Individualized Education Programs (IEPs), and interference with the oral interpretation of special education meetings.⁵ For CLC clients receiving transportation services from OSSE DOT, they also struggle to receive communication regarding bus routes, delays, and updates in their native or preferred language.⁶

Though the LAP has made strides in providing accountability for language access violations within the education sector including working with OSSE to develop solutions to their difficulties with translated communications, more extensive systemic change is

needed to ensure that the language access needs of District students and their families are met. Expanding the capacity of the LAP is a vital step in achieving this goal.

Currently, the Program has only three (3) FTEs. Among the permanent staff, only one person oversees training and compliance for the entire city.⁷ This is not enough to effectively train and monitor compliance for every District agency and covered entity, nor sufficient for the government to meet its burden of ensuring that the rights of District residents are upheld. To enhance its support and operational services, the LAP needs an additional Program Analyst FTE as well as a Data Specialist FTE.

An additional program analyst would allow the LAP to provide more robust compliance monitoring, support, and technical assistance to covered entities. As mentioned previously, the present capacity of the LAP only allows for training and compliance support to be handled by one person on staff. An additional program analyst dedicated to compliance monitoring would expand this function and serve as a point person for covered entities and agencies as they develop corrective actions for their areas of non-compliance. This would also allow for a balance in staff responsibility for the other aspects of the LAP's work, such as training and investigation of reported violations, and ensure that these services are efficient and effective.

The inclusion of a data specialist to the LAP staff would strengthen the LAP's current data-based functions, such as compiling language access violations data for the annual Language Access Compliance Review report. This role would also create new

opportunities for information gathering. For example, the LAP currently contracts out to conduct its required foreign language field testing.⁸ With the addition of a data specialist to the LAP staff, this field testing could be done in-house, thereby allowing for quicker turnarounds in the collection, analysis, and review of agencies' compliance with the Language Access Act. Moreover, this position would allow for new opportunities in data analysis such as the review of trends in agency compliance violations and other key data points.

Finally, increased capacity would allow the LAP Director to focus on broader language access priorities, engage more frequently with City executives and administrators to develop systemic solutions for pervasive language access violations, and foster deeper relationships with the advocate community. This would also continue the Council's goals from last fiscal year to enhance OHR's ability to support key anti-discrimination laws and policies within the District as well as those that may come into effect in the future.^{9 10}

In the FY24 budget, the Council prioritized enhancing OHR's approved budget for the Equal Justice program—of which the Language Access Program is a part—specifically within the personal services budget.¹¹ As a result, in addition to the use of local funds, \$400,000 in federal grants was used to fund 2.5 FTEs for the Office of Human Rights' Equal Justice Program.¹² This was done in order to support enforcement of the Domestic Workers Employment Rights Amendment Act of 2022, which extends employment

protections to domestic workers within the District, many of whom have limited English proficiency.¹³

The proposed FY25 budget provides OHR with a total budget of \$9.2 million compared to the roughly \$9.3 million it received in FY24.¹⁴ Though the mayor has made slight cuts to OHR's operating budget, we ask this committee to increase OHR's budget to allow for the hiring of two more FTEs for the LAP. While we recognize that the upcoming fiscal year is relatively tight compared to previous years, the cost to hire two additional FTEs for the LAP would be minimal compared to other budget priorities for FY25.¹⁵ We estimate that the cost to hire two new FTEs will be approximately \$213,920 annually. This estimate is based on the anticipated salary and benefit requirements for a Grade 12 level employee. Under OHR's pay scale requirements, an additional program analyst and a data specialist would both likely be hired at a Grade 12 level, which has a starting salary of \$80,784.¹⁶ Moreover, based on the dollar amount allocated to fringe benefits in the proposed OHR agency budget, it can be assumed that the fringe benefits for these two roles would be approximately \$26,176 per FTE.¹⁷

It is our understanding that historically, the LAP's FTEs have been funded through federal grants.¹⁸ The proposed budget has designated federal funds to support 2.5 FTEs through an Equal Opportunity Employment grant and a HUD Housing Grant, as was done in the previous fiscal year.¹⁹ While we defer to OHR and the Council's decision regarding the best source of funding for these positions, we nevertheless encourage this

Committee to ensure that the FY25 budget includes these positions within the Language Access Program so that it may meet its legal burden under the Language Access Act and other relevant anti-discrimination law(s).

Conclusion

Thank you for the opportunity to testify today. I welcome any questions the Committee may have.

¹ Yesim Sayin, *In fiscal year 2025, the District of Columbia is facing tough choices. Without making difficult decisions now, future years will only get harder.*, D.C. Policy Center, (April 2, 2024), available at: <https://www.dcpolicycenter.org/publications/fiscal-year-2025-dc-facing-tough-choices/>

² Children’s Law Center represents students and families in need of special education services through our Healthy Together medical-legal partnership. This innovative partnership places attorneys at pediatric primary care health centers in collaboration with Children’s National, Unity Health Center, and Mary’s Center. We receive referrals from medical staff where our attorneys can help address a non-medical barrier to a child’s health and well-being.

³ See D.C. Code § 2–1935(a); § 2–1936 (2004)

⁴ Mariatu Okonofua, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Public Works and Operation, (February 21, 2024), available at: https://childrenslawcenter.org/wp-content/uploads/2024/02/MOkonofua-Childrens-Law-Center-Testimony-for-Feb.-21-OHR-Oversight-Hearing_Final.pdf

⁵ Mariatu Okonofua, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Public Works and Operation, (February 21, 2024), available at: https://childrenslawcenter.org/wp-content/uploads/2024/02/MOkonofua-Childrens-Law-Center-Testimony-for-Feb.-21-OHR-Oversight-Hearing_Final.pdf

⁶ Mariatu Okonofua, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Public Works and Operation, (February 21, 2024), available at: https://childrenslawcenter.org/wp-content/uploads/2024/02/MOkonofua-Childrens-Law-Center-Testimony-for-Feb.-21-OHR-Oversight-Hearing_Final.pdf

⁷ internal conversation on file with Children’s Law Center

⁸ FY2023 Performance Oversight Responses, response to Q34, available at: <https://dccouncil.gov/wp-content/uploads/2023/03/OHRPOHATT.pdf>.

⁹ See FY24 OHR Budget, p. C-106

¹⁰ The DC Language Access Coalition has proposed the introduction of the Language Access Enforcement Act of 2024, which has yet to be introduced by any Councilmember. If introduced, however, like the

Domestic Workers Employment Rights Amendment Act of 2022, it would require more staff to support the enforcement of its provisions including investigation/intake and outreach support.

See FY24 OHR Budget, p. C-106

¹¹ FY24 OHR Budget, Table HM0-6, p. C-106

¹² See FY24 OHR Budget, Schedule 80, p. C-140; FY24 OHR Budget, Table HM0-5, p. C-105

¹³ See FY24 OHR Budget, Table HM0-6, p. C-106; Héctor Alejandro Arzate, *Domestic Workers' Protection Bill Passed by D.C. Council*, dcist.com, (December 7, 2022) available at: <https://dcist.com/story/22/12/07/dc-domestic-workers-employment-protection/>

¹⁴ Mayor's Proposed FY 2025 Budget and Financial Plan, Volume 2 Agency Budget Chapters – Part I, Governmental Direction and Support, Economic Development and Regulation, and Public Safety and Justice, p. C-91

¹⁵ See Mayor Muriel Bowser, Transmittal Letter to DC Council - Proposed FY 2025 Budget and Financial Plan, (April 3, 2024), available at: <https://app.box.com/s/ix96hmpm6bcjnp1fdd629x24s2d16q5f>

¹⁶ This assumption is based on the anticipated functions of these roles compared to the responsibilities of the currently filled Program Analyst position at the LAP which is paid at a Grade 12 level.

See DC Department of Human Resources, District of Columbia Government Salary Schedule: Career Service (General), available at:

https://dchr.dc.gov/sites/default/files/dc/sites/dchr/page_content/attachments/non_union_career_service_fy23.pdf

¹⁷ For the proposed FY25 budget, 68 FTEs will be funded from the Office of Human Rights' General Funds. The proposed cost of the fringe benefits for these FTEs is \$1,780,000 (Line 701400C), equaling an average of \$26, 176.47 spent per employee for these fringe benefits. This is an increase in the approved amount for FY24 of \$1,734,000.

See Mayor's Proposed FY 2025 Budget and Financial Plan, Volume 6 Operating Appendices, p. C-139

¹⁸ internal conversation on file with Children's Law Center

¹⁹ Mayor's Proposed FY 2025 Budget and Financial Plan, Volume 6 Operating Appendices, p. F-616