



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

April 10, 2017

VIA ELECTRONIC MAIL

Chairman Phil Mendelson
1350 Pennsylvania Avenue, NW
Suite 504
Washington, D.C. 20004
pmendelson@dccouncil.us
mbattle@dccouncil.us

Re: *Language Access for Education Amendment Act of 2017*

Dear Chairman Mendelson,

I am the Executive Director of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, a member of the D.C. Language Access Coalition. Since 1968, the Washington Lawyers' Committee has worked with members of the private bar to address of civil rights violations and poverty our community. We represent clients in D.C. in matters involving D.C. public schools, employment and housing discrimination, wage theft, access to public accommodations, police misconduct, and prisoners' rights. Many of our clients are limited and non-English proficient, including many immigrants, and rely on important government services to sustain themselves and their families.

I urge you to continue to take steps so that the Language Access for Education Amendment Act of 2017 can move forward in the D.C. Council and reach a vote. At over two years since it was first introduced, this important bill has been languishing for far too long. We were happy to learn recently that you have scheduled another Council hearing on the bill, for April 24th, and ask you to maintain momentum through the bill's passage. Our community members deserve a resolution so that their rights do not continue to be violated under the original Language Access Act of 2004.

As you know, the Council passed the groundbreaking Language Access Act of 2004 to ensure that all District residents can access resources and services in the city, regardless of whether they speak English. The 2004 Act is unequivocal in its terms: D.C. government agencies must provide interpretation in all languages in order to serve limited- and non-English proficient (LEP/NEP) customers when bilingual employees are not available, and must translate vital documents into certain languages so that LEP/NEP customers can understand and participate in government services. However, the 2004 Act does not provide any remedies for residents whose rights are violated. The only option under the current law is to file a language access complaint with the D.C. Office of Human Rights (OHR), which can result only in a finding of non-compliance. With no incentive to follow the law, we see agencies continue to fail to provide language access to customers on a widespread basis.

The present bill provides a crucial solution—giving OHR the ability to impose a monetary fine on D.C. government agencies that violate the language access law. We believe that once agencies face potential monetary consequences for failure to comply with the law, they will take steps to ensure that customers do receive the language access they deserve, finally realizing the Council’s original intent in passing the 2004 law.

Now, more than ever, our immigrant clients (many of whom are LEP/NEP) need your support. In the current political climate, our immigrant clients are increasingly wary of any interaction with government agencies and are less likely to complain when their rights are violated. If agencies continue to refuse to communicate with our clients in a language that they understand, we fear our clients -- particularly those who are undocumented but with U.S. citizen children eligible for federal public benefits-- will slip further into the shadows.

After originally being introduced in 2014, the Language Access for Education Amendment Act of 2017 was re-introduced by Councilmember David Grosso on February 3, 2015. A Joint Public Hearing on the Act was held at the D.C. Council on July 1, 2015, and the hearing room was packed with advocates and community members. Many LEP/NEP community members, including students, gave moving testimony about the need to improve the current language access law. As Chairman of the Council, you referred the bill to three committees: the Committee on Education, the Committee on the Judiciary and Public Safety, and the Committee of the Whole (COW). The bill quickly passed through the Committee on Education, and on September 22, 2016 it passed through the Committee on the Judiciary and Public Safety. Since then, the bill was reintroduced on January 24, 2017, with an assurance that it would only need to be marked up by the COW. Since then, you have indicated that you wanted to hold another Council hearing on the bill before it goes to mark-up in COW. We are happy that the bill has now been scheduled for a hearing on April 24, 2017. As Chairman of the COW, we implore you to schedule the bill for its final mark-up immediately following the Council hearing.

The District’s immigrant residents, who work hard to support their families and contribute to the District community, are waiting to receive vital services and information in their languages. The community has come too far for this bill to die now. Our LEP/NEP community members have already had to give up too much. We are encouraged that no Councilmember has expressed opposition to the bill, and do not understand why it has languished for so long. We urge you to take action to bring this bill to a vote.

Sincerely,

A handwritten signature in black ink, appearing to read 'JMS', written in a cursive style.

Jonathan M. Smith
Executive Director