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Via electronic mail to: pmendelson@dccouncil.us; mbattle@dccouncil.us

Dear Chairperson Mendelson:

Washington Council of Lawyers writes to express our support for the Language Access for Education Amendment Act of 2017. This important bill establishes a meaningful remedy when the rights of District residents who communicate in languages other than English are violated under the Language Access Act of 2004. We urge you to take action to move this essential piece of legislation forward in the D.C. Council so that it will reach a vote as soon as possible.

Washington Council of Lawyers is a voluntary bar association devoted to ensuring that the justice system in the District of Columbia serves everyone, including those who are poor or marginalized. As you are aware, many low-income and otherwise marginalized members of our community are Limited-English Proficient or Non-English Proficient (LEP/NEP). Washington Council of Lawyers has been carefully tracking this legislation for over two years, and we invite you to visit the advocacy page of our website to learn more about the support that we have offered to this bill: <https://wclawyers.org/our-work/advocacy/language-access-legislation/>

The Language Access Act of 2004 was passed to better enable all District residents – regardless of their ability to speak and understand English -- to access resources and services in the city. That groundbreaking legislation clearly states that D.C. government agencies must provide interpretation in all languages in order to serve 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. Currently, the only legal option for requesting redress for a violation of the law is to file a language access complaint with the D.C. Office of Human Rights. That action can result only in a finding of non-compliance. Monetary or injunctive relief is not envisioned or permitted. With no incentive to follow the law, we understand that many District agencies continue to fail to provide language access to customers who seek services. The District can do better.

The proposed Language Access for Education Amendment Act of 2017 enables the D.C. Office of Human Rights 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 law.

The current federal immigration policies make this legislation even more urgent. Today, many immigrant residents of the District are increasingly wary of any interaction with government agencies and are less likely to complain when their rights are violated. Because many immigrants are LEP/NEP, it is imperative that District agencies comply with the Language Access Act of 2004. If agencies continue to refuse to communicate with immigrant communities in languages that they understand, it is possible that many District residents (particularly those who are undocumented) 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 full of 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 the 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. 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 Committee of the Whole. However, to date, that has not happened. The Committee of the Whole is the bill's last stop before it can reach a vote. As the Chairman of the Committee of the Whole, we implore you to schedule the bill for mark-up as soon as possible.

Some of the District's most vulnerable residents continue to suffer daily from the failure of D.C. agencies to comply with the requirements of the 2004 Language Access Act. We are encouraged that no Councilmember has expressed opposition to the Language Access for Education Amendment Act of 2017, and we urge you to take action to quickly bring this bill to a vote.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kelly D. Voss".

Kelly D. Voss
President
Washington Council of Lawyers