

# D.C. LANGUAGE ACCESS COALITION

COLLABORATION, COMMUNITY, DIVERSITY, EQUALITY, EDUCATION,  
INCLUSION, JUSTICE, PARTICIPATION, VOICE

## Executive Committee

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Asian Pacific American Legal  
Resource Center  
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Multicultural Community Services  
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Washington  
Life Skills Center  
Mary's Center for Maternal and  
Child Care  
Neighbor's Consejo  
The Legal Aid Society of D.C.

October 30, 2007

Mayor Adrian Fenty  
John A. Wilson Building  
1350 Pennsylvania Ave. NW  
Washington, DC 20004

Gustavo F. Velasquez  
Director, Office of Human Rights  
441 4th Street, NW, Suite 570 North  
Washington, DC 20001

Dear Mayor Fenty and Mr. Velasquez:

We, the undersigned organizations and individuals, call upon you to ensure that the 2004 DC Language Access Act (LAA) is implemented thoroughly and comprehensively as required by law. Included in this letter is evidence of DC's inadequate compliance with the LAA and ten recommendations that we urge the government to adopt.

In 2004, the LAA was passed, giving much hope to limited-English proficient (LEP) and non-English proficient (NEP) individuals in DC who had been unable to equally access vital government services and programs in the past. Many saw the LAA as providing not only a means of overcoming these language barriers, but also a path to becoming further integrated into the communities to which they already contribute so much. The LAA assured LEP and NEP individuals that they would "be informed of, participate in, and benefit from public services, programs, and activities offered by a covered entity at a level equal to English proficient individuals." D.C. Language Access Act, D.C. CODE ANN. § 2-1931(1) (2004). Unfortunately, more than three years later, the stated purpose of the LAA has not been realized, and many LEP and NEP individuals are still unable to access crucial government services.

The Equal Rights Center (ERC), a non-profit civil rights organization, recently completed a six-month long investigation, evaluating the extent to which five major DC government departments – the Department of Human Services, the Department of Motor Vehicles, the Department of Employment Services, the Alcoholic Beverages Regulation Administration, and the Department of Consumer and Regulatory Affairs – were in compliance with the LAA.

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(Under Construction)

**MANY LANGUAGES – ONE VOICE – SO ALL CAN PARTICIPATE**

Thirteen bilingual testers were recruited and trained to visit the government offices being investigated. These testers attempted to access information about basic services in one of the following five languages, which were identified by the Council of the District of Columbia as languages largely served by the DC government: Amharic, Chinese, Korean, Spanish, and Vietnamese. The ERC conducted 78 tests, 43 of which were conducted in person at a specific government office, while another 35 tests were conducted over the telephone. Of the 43 on-site tests, 5 were conducted in English to establish a baseline standard of treatment, and 38 were conducted in a non-English language. Similarly, of the 35 telephone tests, 5 were conducted in English, and 30 were conducted in a non-English language.

The purpose of the study was to ascertain whether DC residents who are not able “to adequately understand or express [themselves] in the spoken or written English language” D.C. CODE ANN. § 2-1931(5) (2004). could complete the task, which brought them to seek one service or another from a DC government agency. Using the standards laid out in the LAA itself, completing the task was defined as being provided oral translation services and when, requested, translations of any vital documents that may be required. D.C. CODE ANN. § 2-1931(6) (2004).

According to the LAA, “The term ‘oral language services’ shall include placement of interpreters; contracting with telephone interpreter programs; contracting with private interpreter services; and using interpreters made available through community service organizations that are publicly funded for that purpose.” Vital documents are defined as “applications, notices, complaint forms, legal contracts, and outreach materials published by a covered entity in a tangible format that inform individuals about their rights or eligibility requirements for benefits and participation.” D.C. CODE ANN. § 2-1931(7) (2004).

Of the 38 on-site tests conducted in a non-English language, DC government entities passed 13.1% of the time and failed 86.9% of the time. Of the 30 telephone tests conducted in a non-English language, the government failed 33% of the time. All five government departments tested were supposed to have attained full compliance with the provisions of the LAA before the end of 2004, two and one half years before the ERC testing began.

An 86.9% on-site failure rate and a 33% telephone failure rate are unacceptable for the LEP and NEP communities in DC. They represent blatant violations of the DC Language Access Act, and may violate the “meaningful access” obligations under Executive Order 13166, and the anti-discrimination obligations of the DC Human Rights Act and Title VI of the 1964 Civil Rights Act.

Therefore, the DC Language Access Coalition (Coalition), with the support of the undersigned agencies, call upon the DC government to ensure that the 2004 Language Access Act is implemented thoroughly and comprehensively at all of the agencies (“covered entities”) named in the Act.

We strongly urge the DC government to adopt the following ten recommendations:

1. **Increase** language access funding for all DC agencies.
2. **Hold** agency directors accountable for the responsible and effective use of language access funds in implementing the LAA at their agency; (language access implementation should be one of the performance measures used in agency directors' performance reviews).
3. **Implement** an aggressive multilingual, culturally competent, Know Your Rights campaign at every "covered entity" and throughout all of DC.
4. **Ensure** that all DC government webpages and phone lines provide information in all languages covered by the LAA – currently, Amharic, Chinese, French, Korean, Spanish, and Vietnamese.
5. **Create** a multilingual help hotline for LEP and NEP populations to call if they are not provided with language access at DC government agencies. Post information about this hotline in multiple languages at all government departments and offices so people can easily access it. This hotline will serve to quickly resolve language access violations and provide expeditious access to crucial government services.
6. **Require** all DC Agencies with major public contact to hire at least one Full Time Language Access Coordinator whose sole responsibility is to ensure agency compliance of the LAA.
7. **Enhance** adult-literacy funding and programs so that all members of LEP and NEP populations can become English proficient.
8. **Provide** cultural competency and language access trainings for all staff at every agency every fiscal year and increase the number of bilingual front line staff at all agencies.
9. **Post** multilingual or image-based public information signage throughout the city (parking announcements, events and street closure, etc.). Also post such signage inside DC agencies (no cell phones, bathroom signs, information booths, etc.).
10. **Streamline** the complaint resolution process for LEP and NEP individuals who need language access in order to receive services and/or information. Agree that in emergency situations a lack of language access can result in death.

We recognize and affirm that DC has one of the most comprehensive language access laws in the country. However, no law is effective until it is truly implemented. Until then the law fails to properly serve the populations it was originally brought forth to benefit. Thoroughly implementing the Language Access Act is DC's opportunity to show the world that a rights-based community for all populations, regardless of national origin, exists here and that DC is a dignified and hospitable community for all to call home.

Sincerely,

The DC Language Access Coalition  
1600 K Street, NW  
Mezzanine Level  
Washington, DC 20006

and

**Local Organizations and Individuals**

African Immigrant and Refugee Foundation (MD and DC)  
African Resource Center (DC)  
Ana Astrid Molina, Director, Coral Cantigas (MD)  
Asian American LEAD (DC and Maryland)  
Asian Pacific American Bar Association (DC)  
Asian Pacific American Legal Resource Center (DC)  
Asian/Pacific Islander Domestic Violence Resource Project (DC)  
Ayuda, Inc. (DC)  
Boat People SOS (VA based, national organization)  
Bread for the City (DC)  
CASA de Maryland (MD)  
Catherine Klein, Director, Columbus Community Legal Services at The Columbus School of  
Law, The Catholic University of America  
Central American Resource Center (CARECEN) D.C.  
CentroNia (DC)  
Columbia Heights Shaw Family Support Collaborative (DC)  
DC Latino PAC  
D.C. Law Students in Court  
DC Employment Justice Center  
DC Learns (Literacy Coalition of over 80 agencies - DC)  
El Pueblo Unido (VA)  
Equal Rights Center (DC)  
Federation of Latino Agencies (DC)  
Foundry United Ministry - Day Labor Outreach (DC)  
Habeba McCormick, HIV Tester and Counselor, Elizabeth Taylor Medical Center (DC)  
Hubert Yee, DC Resident and Maryland Program Manager, Asian American LEAD  
Immigrant Rights Coalition of the Washington College of Law, American University  
International Human Rights Clinic, Washington College of Law, American University  
Jacob Burns Legal Clinics, George Washington University Law School  
La Clínica Del Pueblo (DC)  
Latin American Youth Center (DC)  
Latino Economic Development Corporation (DC and MD)  
Legal Aid Society of D.C.  
Lisa Vollendorf Martin, Clinic Associate, Families and the Law Clinic Columbus School of Law,  
Catholic University of America

Mary Beth Gallagher, Student, Washington College of Law, American University and D.C.  
Resident

Mary's Center for Maternal and Child Care (DC)  
Multicultural Community Service (DC)  
National Capital Immigrant Coalition (NCIC) (DC, MD, VA)  
Neighbors Consejo (DC)  
Poverty Law Society, Washington College of Law, American University  
Shirley Broderick, University of the District of Columbia Law School  
Tahirih Justice Center (VA)  
The Childrens' Law Center (DC)  
Through the Kitchen Door International (DC and MD)  
Vietnamese American Community Service Center (DC)  
Washington Lawyers' Committee for Civil Rights and Urban Affairs (DC)  
Women Empowered Against Violence, Inc (WEAVE) (DC)  
Women's Law Center (MD)

**Out of Town Supporters and National Organizations**

Asian American Justice Center (DC based, national organization)  
Asian Pacific American Legal Center of Southern California (California)  
CAAHV (Committee Against Anti-Asian Violence) (New York)  
Mary Queen of Viet Nam Community Development Corporation (New Orleans, LA)  
Mexican American Legal Defense and Education Fund (DC office, national organization)  
National Alliance of Vietnamese American Service Agencies (MD based, national organization)  
National Asian Pacific American Women's Forum (DC Chapter)  
National Center for Lesbian Rights (San Francisco based, national organization)  
National Council of La Raza (DC based, national organization)  
National Health Law Program (DC office, national organization)  
National Immigration Law Center (DC office, national organization)  
Progressive Leadership Alliance of Nevada (Nevada)  
Rural Organizing Project (Oregon)  
Southeast Asia Resource Action Center (SEARAC) (DC based, national organization)  
SAALT - South Asian American Leaders of Tomorrow (MD based, national organization)