



Providing Access to Public Services for Limited English Proficient Residents Language Access Act (B15-0319), Washington DC, 2004

Overview

Twenty-one percent of the Washington metropolitan region's population communicates in a language other than English at home. Region-wide, more than 100 languages are spoken. Between 1990 and 2000, the limited English proficiency (LEP) population—those who are unable to adequately understand or express themselves in spoken or written English—in Washington, DC increased by nearly 80%. Families eligible for public assistance have been unable to access services because they do not have the proficiency to understand government documents or speak to government employees.

The Policy

On April 21, 2004, Mayor Anthony Williams signed into law the Language Access Act. District of Columbia agencies have a two-year time-line for full compliance with the policy, which:

- Requires government agencies to provide oral language services to limited English proficient (LEP) persons. Agencies will determine types of oral language services to provide (e.g., telephone language line, bilingual front-line staff) by considering a number of factors, including the agency's size and the type of services it provides;
- Requires government agencies to provide translations of vital documents into those languages spoken by at least three percent or 500 people (whichever is smaller) served by the entity; and
- Establishes the Office of Human Rights as the entity responsible for coordinating DC government agencies in meeting their obligations under the Act and mandates the creation of the position of Language Access Director, who will be in charge of overseeing the implementation of the policy.

Impact

DC agencies were to begin compliance by October 2004, so the impact of the new policy has yet to be felt for the most part. However, some agencies, such as the Medicaid office, have begun providing translation services and hiring bilingual staff, while others remain resistant, claiming budgetary constraints. By October 2004, the Department of Health and Human Services, Department of Employment, DC public schools, the Office of Human Rights, and the Office of Planning, Fire, Emergency and Medical Service are supposed to be compliant.

Key Players

Asian Pacific American Language Resource Center (APALRC) was the primary leader of the DC Coalition for Language Access. The APALRC works towards ensuring equal access to justice for Asian Pacific Americans on issues relating to immigration, domestic violence/family law, worker rights, and issues affecting Asian senior citizens. The Coalition is made up of 19 community organizations, comprised of African, Asian, and Latino groups. These were central in providing testimonies from the LEP communities and drafting the Act. Liliana Perdomo of the Multicultural Services Center noted that, "A lot of the people fighting for this were immigrants

themselves, so there was a lot of connection to community members.” Councilmember Jim Graham first introduced the bill on September 30, 2002.

Winning the Policy

The Language Access campaign began in 2002, when communities began organizing around government agencies’ non-compliance with Title VI of the Civil Rights Act, which requires all agencies that receive federal monies to provide language access services. Isabel Von Isschot, Director of Interpreter Services for La Clinica del Pueblo, explains, “We recruit and train bilingual people who are hired by public agencies as interpreters, but when we approached agencies for reimbursement they refused.”

The first step towards substantiating the needs of the community was to conduct a postcards poll. Over 1,500 postcards in six different languages were distributed asking about language access need. A large number of postcard responses came from Councilmember Jim Graham’s ward, one of the most diverse areas in Washington. The Coalition approached Graham, who agreed to sponsor the bill. Community members were a large part of the campaign, providing testimonies at hearings and adding a community voice during the drafting of the bill. “Communities feel like they have a stake in the outcome, because they were part of the process,” says Nick Rathod of APALRC. Sonya Schwartz of Families USA and Denise Gilman of the Washington Lawyers' Committee for Civil Rights helped draft the bill, which faced little opposition in its final form.

Challenges

One reason the bill passed relatively easily, says Schwartz, is that, “A lot of the bite was taken out before it was signed.” For instance, there are no repercussions specified for an agency that does not comply. In addition, preferential hiring of bilingual people, which was strongly advocated for by the Coalition, was deleted from the final draft.

Since the policy became law, the Coalition has faced another problem in the hiring of the Language Access Director, who is responsible for coordinating all DC government agencies in meeting their obligations under the Act. During the drafting of the bill, the Coalition wanted to specify that this be a senior-level position, but the Office of Human Rights refused. Eventually, an internal, entry-level hire was made, even though the position was advertised at a senior level. “This presents a large setback,” says Nick Rathod, Language Access Director for APALRC.

Replicability

Major metropolitan areas such as Washington, DC and New York City are being forced by community activists to make progress in providing city services to immigrant communities with large LEP numbers. Less urban localities could also benefit from being proactive in creating access in languages other than English as the national demographic trend continues to include more and more immigrant residents.