


This Language Access Policy rescinds and supersedes all previous policy, memoranda, and/or guidance promulgated by DCPS on this subject matter.

Chancellor Approval: 
Effective: December 28, 2020

Language Access Policy

I. PURPOSE AND SCOPE

The District of Columbia Public Schools (DCPS) is committed to ensuring every student feels loved, challenged, and prepared to positively influence society and thrive in life by providing rigorous and inclusive learning environments for all students. Reaffirming DCPS’ mission to provide a world-class education regardless of background or circumstance, language access helps build and maintain a strong relationship of inclusion with the District of Columbia’s linguistically and culturally diverse communities who do not use English as a primary language.

This policy conveys DCPS language access requirements to ensure limited and non-English proficient stakeholders can access information delivered by DCPS.¹ The purpose of this policy is to convey the requirements of the Language Access Act of 2004, as amended, to promote greater public access and participation in government services, programs, and activities.² This policy applies to all DCPS employees and affiliated individuals, including volunteers, partnership program staff, interns, fellows, grantees, contractors, affiliates, and other entities or individuals providing direct services to or interacting with the public on behalf of DCPS.³

II. AUTHORITY AND APPLICABLE LAW

Source	Citation
Federal Law	<ul style="list-style-type: none"> - Title VI of the Civil Rights Act of 1964, codified at 42 U.S.C. § 2000d - Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400, et seq. - Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794 - Equal Educational Opportunities Act of 1974, 20 U.S.C. §§ 1701, et seq.
Federal Regulations	<ul style="list-style-type: none"> - IDEA implementing regulations, 34 C.F.R. §§ 300, et seq.
District of Columbia Law	<ul style="list-style-type: none"> - DC Language Access Act of 2004, codified at D.C. Code §§ 2-1931, et seq. - DC Human Rights Act, codified at D.C. Code §§ 2-1401.01, et seq.
District of Columbia Municipal Regulations	<ul style="list-style-type: none"> - 4 DCMR §§ 1200, et seq. (Office of Human Rights Language Access Act) - 5-E DCMR §§ 2600, et seq. (Access to Student Records) - 5-E DCMR § 3102 (Education of Language Minority Students: Notice to Parents)

¹ This policy does not address DCPS requirements to ensure that English learner (EL) students can participate meaningfully and equally in educational programs. For information about EL support, please visit the DCPS Supports for English Learners website at <https://dcps.dc.gov/service/supports-english-learners-els>.

² See D.C. Code §§ 2-1931, et seq.; see also D.C. Code § 2-1931(3) (designating DCPS as a covered entity with major public contact).

³ This policy supersedes past or existing DCPS policy on language access, including the DCPS Interpretation and Translation Policy of 2015.

III. DEFINITIONS

Access or participate means to be informed of, participate in, and benefit from public services, programs, and activities offered by DCPS at a level equal to English proficient individuals. (D.C. Code § 2-1931(1))

Bilingual employee means an employee who has been determined by DCPS to be proficient in both the English language and a language other than English. (see 4 DCMR § 1299.1)

Individualized education program (IEP) means a written statement that specifies the special education and related services to be provided to meet the unique educational needs of a child with a disability, as required by the Individuals with Disabilities Education Act. (see 20 U.S.C. § 1401(14))

Interpretation means oral/verbal conversion of the meaning of a dialogue from one language to another language and vice versa. There are three (3) types of interpretation, which can take place either in person or remotely via telephone or videoconferencing:

- **Sight translation**, in which an interpreter reads a document written in one language and translates it orally into another language;
- **Consecutive interpretation**, in which an interpreter translates a speaker's words orally after the speaker has stopped speaking; and
- **Simultaneous interpretation**, in which an interpreter speaks simultaneously with the source language speaker. (4 DCMR § 1299.1)

Language minority student means a student who understands or speaks a language other than English which was learned from their family background, or a student with a family background where a language other than English is spoken in the home. (5-E DCMR § 3199.1)

Limited or no-English proficiency (LEP/NEP) means the inability to adequately understand or to express oneself in the spoken or written English language. (D.C. Code § 2-1931(5))

Limited English proficient (LEP) individual means an individual who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. (4 DCMR § 1299.1)

Non-English proficient (NEP) individual means an individual who cannot speak or understand the English language at any meaningful level. (4 DCMR § 1299.1)

Oral language services means the provision of oral information necessary to enable LEP/NEP residents to access or participate in programs or services offered by DCPS. The term includes placement of bilingual staff in public contact positions; the provision of experienced and trained staff 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. (D.C. Code § 2-1931(6))

Public contact position means an employment position for which the primary responsibilities include greeting, meeting, serving, or providing information or services to the public. Public contact positions are positions that require personal contacts with the public. (4 DCMR § 1299.1)

Translation means the written conversion of texts in the source language into texts written in another language, retaining the meaning and intent of the original source text and producing a culturally competent product. (4 DCMR § 1299.1)

Vital documents means applications, notices, complaint forms, legal contracts, and outreach materials published by DCPS in a tangible (i.e., paper or electronic) format that inform individuals about

their rights or eligibility requirements for benefits and participation. The term includes written information and notice sent to parents and guardians regarding public school drinking water test results and the completion of remediation steps. (D.C. Code § 2-1931(7))

IV. REQUIREMENTS

A. General

Discrimination based on national origin is prohibited by both federal and local law.⁴ Longstanding case law and federal guidance has established that national origin discrimination includes language-based discrimination,⁵ and all recipients of federal funds, including DCPS, are required to take reasonable steps to ensure limited English proficient (LEP) individuals have meaningful access to their programs and activities.

DC law provides additional rights and protections for individuals with limited or no English proficiency (LEP/NEP). The DC Language Access Act requires DC agencies, including DCPS, to provide written translations of vital documents and oral language services to LEP/NEP individuals who seek to access or participate in DCPS services, program, and activities.⁶ Local education regulations also require DCPS to provide all information supplied to English-speaking DCPS parents and guardians to the parents and guardians of language-minority students in their home language, whenever reasonably practicable.⁷

B. Signage

All schools and central office locations, as well as satellite locations and locations used by DCPS contractors or grantees when serving the public on behalf of DCPS, must display visible signs informing the public of their rights to obtain language assistance. Language identification signs or posters, also called interpretation service point charts, contain a list of common languages an LEP/NEP customer can point at to request language services and are available through the DC Office of Human Rights and the DCPS Language Acquisition Division.⁸

C. Written Translation

The DC Language Access Act requires DCPS to provide written translations of vital documents into any non-English language spoken by an LEP/NEP population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered.⁹ Vital

⁴ Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on race, color, or national origin. *See* Pub. L. 88-352, title VI, §601, July 2, 1964, 78 Stat. 252, codified at 42 U.S.C. § 2000d. The DC Human Rights Act prohibits discrimination by an educational institution based on the actual or perceived national origin of any individual. *See* DC Code § 2-1402.41.

⁵ *See Lau v. Nichols*, 414 U.S. 563 (1974); *see also* Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41, 455 (June 18, 2002), *available at* <https://www.lep.gov/13166/eo13166.html>.

⁶ D.C. Code §§ 2-1931, et seq.

⁷ 5-E DCMR § 3102.1.

⁸ *See* DC Office of Human Rights Language Access Toolkit, *available at* <https://ohr.dc.gov/page/LAportal/toolkit>; *see also* Language Acquisition Division (LAD) Canvas page, *available at* <https://dcps.instructure.com/courses/146048>.

⁹ *See* D.C. Code § 2-1933(a); 4 DCMR § 1205.2.

documents are generally defined as applications, notices, complaint forms, legal contracts, and outreach materials published in paper or electronic format that inform individuals about their rights or eligibility requirements for benefits and participation and leaves it up to agencies to define specific materials.¹⁰

1. Agency-Level Vital Documents

Based on a review of a variety of data sources, including data from Aspen on parents'/guardians' preferred language of communication,¹¹ DCPS has determined that Spanish currently meets the translation threshold at the agency level¹² and so agency-level vital documents (i.e., vital documents meant for all schools and the DC community) are currently translated into Spanish. As capacity allows, agency-level vital documents are also translated into those languages that meet the threshold at individual schools (i.e., currently Amharic and Chinese).

The DCPS central office is responsible for ensuring translation of agency-level vital documents for use by schools including, but not limited to:

- Registration and enrollment information and forms;
- Progress reports and report card forms;
- Student discipline notices of suspension/expulsion and appeal rights; and
- Notices to the parents of English learner services.

2. School-Level Vital Documents

School-level vital documents (i.e., vital documents produced by schools) must be translated into the agency-level threshold language (i.e., Spanish) if at least one family at that school indicated Spanish as their preferred language of correspondence and into any remaining languages that meet the 3%/500 individuals "encountered or likely to be encountered" threshold at the individual school. Currently, Amharic, Chinese, and Spanish (the covered languages) meet the threshold in several schools.¹³

School staff, contractors/grantees with public contact, and central office programs with public contact are responsible for ensuring written translation into the necessary language(s) at the school level.

3. Documents Not Available in an LEP/NEP Individual's Language

If a document is not available in an LEP/NEP individual's language (e.g., the individual speaks a language other than the threshold languages or the document is not considered vital), the written information can be communicated orally with the assistance of a school's bilingual staff, if available, or by phone through the use of Language Line.

¹⁰ D.C. Code § 2-1931(7). With respect to education documents, vital documents include lead water testing results for DCPS public schools provided to the Chief Operating Officer by the Department of General Services that show a lead concentration over 5 parts per billion. See DC Code § 38-825.01a(a)(2).

¹¹ Information about a parent's/guardian's preferred language for correspondence can be found in the student's Aspen record under the "Student" tab. See LAD Canvas page, available at <https://dcps.instructure.com/courses/146048>, for more information on how to obtain families' language preferences from Aspen.

¹² Data sources include the number of English learners served by DCPS, the number of families expressing a preference to receive communications in a non-English language, and DC census and demographic data.

¹³ See LAD Canvas page, available at <https://dcps.instructure.com/courses/146048>, for the list of languages that meet the threshold in each school.

D. Oral Language Services

All DCPS schools, public contact central office teams, and public contact contractors or grantees are required to provide oral language services to LEP/NEP individuals who seek to access or participate in DCPS services, programs, and activities.¹⁴ This includes providing oral language services to parents/guardians of English learner students to ensure parents/guardians are provided information about English learner services or eligibility in a language they understand. Unlike written translations, the requirement to provide oral language services is not limited to the aforementioned covered languages.

The type of oral services provided by DCPS schools and public contact central office teams must be determined based on:

- The number or proportion of LEP/NEP individuals served or encountered, or likely to be served or encountered, by the school or team;
- The frequency with which LEP/NEP individuals come into contact with the school or team;
- The importance of the service provided by the school or team; and
- Available resources.¹⁵

DCPS schools must offer oral language services over the phone, in person, or through videoconferencing in the primary languages of all individuals identified as LEP/NEP or those whose primary means of communication is not spoken English. Oral language services include and must be provided through:

- Placement of bilingual staff in public contact positions, whenever reasonably practicable;
- Provision of experienced and trained staff interpreters;
- Contracting with telephone interpreter programs; and
- Contracting with private interpreter services, or using interpreters made available through community service organizations that are publicly funded for that purpose.¹⁶

A bilingual experienced and trained staff interpreter or professional interpreter must be used when the information to be communicated involves accessing benefits or making educational decisions, such as attending special education meetings. Any bilingual employee who is interpreting must remain neutral and disclose to all parties any potential conflict of interest. DCPS staff who encounter very rare minority languages for which an interpreter cannot be located using telephonic interpretation must contact the Executive Director of the Language Acquisition Division located in the Office of Teaching and Learning.

If an LEP/NEP individual is not confident that the interpreter supplied by DCPS is providing an adequate, accurate, or impartial interpretation of a meeting, the LEP/NEP individual may request that the interpreter not continue interpreting for that meeting. DCPS staff must then arrange for another interpreter. If the LEP/NEP individual's concerns regarding the qualifications or impartiality of an interpreter cannot be resolved at the school level,¹⁷ the individual is to be advised to contact the Language Access Unit of the Language Acquisition Division.

¹⁴ See DC Code § 2-1932(a).

¹⁵ D.C. Code § 2-1932(b).

¹⁶ D.C. Code § 2-1931(6).

¹⁷ School staff can attempt to resolve such concerns by, for example, ending the call and calling the Language Line back for a different interpreter or ending the meeting early and arranging for a different interpreter.

Except in emergency situations related to student health and safety or in the event that an LEP/NEP individual insists otherwise,¹⁸ DCPS staff are prohibited from relying on DCPS students or other family members to provide oral translation services for an LEP/NEP individual.

E. Students with Disabilities

1. Under the Individuals with Disabilities Education Act

Under the Individuals with Disabilities Education Act (IDEA), DCPS must take steps to ensure the parents of a child with a disability are present at each Individualized Education Program (IEP) team meeting or are afforded the opportunity to participate.¹⁹ The school must also take “whatever action is necessary to ensure that the parent understands the proceedings” at an IEP meeting, including arranging for interpretation services for parents when necessary.²⁰ This ensures that parents are provided an opportunity to consent to the receipt of special education services only after having been “fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication.”²¹

The IDEA, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, and their accompanying regulations contain a number of provisions relevant to translation of special education documents for parents/guardians. Under federal and local requirements, DCPS must be prepared to translate and give the parent/guardian all of the following:

- IEPs and IEP amendments;
- All IEP-related vital documents provided to parents/guardians in the evaluation, eligibility determination, IEP development, IEP implementation, and IEP monitoring phases of the IEP process. To fulfill this requirement, DCPS staff will use in-language forms provided by the Office of the State Superintendent of Education (OSSE) and fill in translated student-specific information. Examples of documents that DCPS staff are required to translate for parents/guardians during the IEP process include:
 - Letters of Invitation and meeting notices;
 - Consent forms that need to be reviewed and signed by parents/guardians;
 - Progress Reports which track student progress towards IEP goals; and
 - Extended School Year (ESY) eligibility documentation.

If the parent’s/guardian’s preferred language of communication is a threshold language at the agency level (i.e., Spanish), translations of the IEP and amended IEP must be provided to the parent/guardian within 45 days from the time that the English version of the IEP and amendment IEP are made available to the parent/guardian, unless the parent/guardian waives their right to receive translated documents.²² For other IEP-related vital documents, translations in the agency-level threshold language (i.e., Spanish) must be provided in a timely manner.

¹⁸ See LAD Canvas page, available at <https://dcps.instructure.com/courses/146048>, for the interpretation waiver form to document that an LEP/NEP individual has waived this right.

¹⁹ See 34 CFR § 300.501(b).

²⁰ See 34 CFR § 300.322(e).

²¹ See 34 CFR § 300.9.

²² See LAD Canvas page, available at <https://dcps.instructure.com/courses/146048>, to obtain the waiver form.

If the parent's/guardian's preferred language of communication is not an agency-level threshold language (i.e., a language other than Spanish), translations of the IEP must be provided to the parent/guardian in a timely manner upon the parent's/guardian's request. For other IEP-related vital documents, translations will be provided to the extent practicable. If DCPS is unable to translate the other IEP-related vital documents, the written information will be communicated through a translated summary or orally with the assistance of the school's bilingual staff (if available) or the use of Language Line.

For other IEP-related vital documents for which there are no OSSE-generated translated templates, DCPS must translate, at a minimum, a summary of pertinent information that will sufficiently inform the parent/guardian of key contents of the document. For example, instead of translating a complete assessment report (e.g., psychological, speech) performed for a student as part of the evaluation process, DCPS will translate a summary of findings and recommendations that will help the LEP/NEP parent understand the outcomes of the assessment.

Information about a parent's/guardian's preferred language for correspondence can be found in the student's Aspen record under the "Student" tab.²³

2. Under Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against individuals with disabilities in all programs receiving federal funding. In public schools, Section 504 provides accommodations and related services to eligible students with disabilities so that they can access the general education curriculum, opportunities for learning, and school activities to the same extent as their non-disabled peers.²⁴ DCPS 504 Teams should always attempt to involve parents/guardians in the 504 process to the greatest extent possible and ensure LEP/NEP parents/guardians can participate by arranging for interpretation services when necessary. For parents/guardians who speak one of the covered languages, the student's 504 plan must be translated into the parent's/guardian's preferred language in a timely manner. For parents/guardians who do not speak one of the covered languages, translation of the 504 plan will be provided upon request, as capacity allows.

F. Data Collection

The DC Language Access Act requires DCPS to collect data about the languages spoken and the number of LEP/NEP customers speaking a given language. DCPS primarily collects this information from the enrollment form, where parents/guardians can indicate their preferred language of correspondence. This information is then recorded in the student's Aspen record under the "Student" tab.

The DC Language Access Act also requires DCPS to collect data about encounters between DCPS staff/contractors and LEP/NEP individuals. This information must be collected by contractors, language access designees, and other staff and provided in a timely manner to the Language Access Division. The Language Access Division will notify staff/contractors directly on how to submit this data. The information is sent to the Office of Human Rights (OHR).

²³ See LAD Canvas page, available at <https://dcps.instructure.com/courses/146048>, for more information on how to obtain families' language preferences from Aspen.

²⁴ See 29 U.S.C. § 794; 34 CFR § 104.36.

G. Training

All DCPS employees and affiliated individuals in public contact positions must be proficient in the requirements and legal obligations for serving LEP/NEP individuals and linguistically and culturally diverse populations. To this end, members must attend either web-based or in-person trainings provided by DCPS when announced. Training shall occur as part of the onboarding process for new staff and as part of continued professional development for existing staff.

DCPS uses the following procedures to ensure that funded entities and contractors hired by the agency comply with the requirements of the DC Language Access Act, according to the same standards required of DCPS:

- Include language access compliance requirements for funded entities and contractors in all Notices of Funding Availability (NOFA), solicitations, and Requests for Proposal (RFP) issued by DCPS;
- Require that all funded entities and contractors certify in writing that they will meet language access compliance requirements in contracts, memorandums of agreement (MOA), or work agreements signed between funded entity/contractor and DCPS;
- Ensure that funded entities and contractors receive information on language access compliance protocols through DCPS; and
- Provide guidance on language access compliance to funded entities and contractors by connecting them to translation and interpretation vendors, and by providing them with a clear process for collecting data and for reporting all encounters with LEP/NEP stakeholders to the agency.

H. Designation and Responsibilities of Language Access Points of Contact

All DCPS principals are required to designate a Language Access Liaison (Liaison). The Liaison role must be assigned to a school member with sufficient authority to establish the protocols, systems, and practices needed to fulfill the requirements of the Language Access Act and this policy.

All DCPS Deputy Chiefs are required to designate a Liaison for each public-facing division, team, or unit. The Liaison role must be assigned to an employee who oversees day-to-day operations of a public-facing unit and has the authority to implement the full range of language access compliance requirements.

All designated Liaisons are required to work with the Executive Director of the DCPS Language Acquisition Division, or a designee, to implement the DC Language Access Act. These responsibilities include to:

- Ensure required signage is displayed in locations frequented by families, such as main offices and parent centers;
- Coordinate the school's/unit's language access compliance efforts;
- Ensure the distribution and operationalization of this policy within the school/unit;
- Ensure that all public-facing personnel, including new hires, are periodically trained and equipped to comply with all language access requirements; and
- Ensure that the school fulfills data collection and reporting requirements.

I. Complaints

Public complaints regarding language access violations must be immediately reported to a manager/supervisor and to the relevant DCPS Language Access Point of Contact. The DCPS Language Access Point of Contact will then submit the complaint report to the OHR Language Access Director as the complaint is received.

Contact: Vicki Javier (either by email, in writing, or by phone)

Email: vicki.de-javier@k12.dc.gov

Phone: 202-868-6508

Address: Language Acquisition Division (LAD)
4400 Iowa Ave NW, Suite 1242
Washington, DC 20011

In addition, DCPS staff must provide the person wishing to file a language access complaint with the OHR Language Access Complaint Form²⁵ and phone number (202-727-4559).

V. REQUIREMENTS FOR POLICY IMPLEMENTATION

All DCPS employees and affiliated individuals, including volunteers, partnership program staff, interns, fellows, grantees, contractors, affiliates, and other entities or individuals providing direct services to or interacting with the public on behalf of DCPS, are required to comply with the requirements set forth in this policy. To support its implementation, principals and Deputy Chiefs are expected to make staff aware of required activities and timelines on an annual basis.

Implementation of this policy will be reinforced by the Language Access Division through a central oversight process which includes regular data reviews, record sampling, reviews of underlying documentation, and site visits (as needed). This framework will ensure that together we build a system of continuous improvement and prevent noncompliance.

DCPS is committed to serving every student with equity, excellence, transparency, and accountability. For any concerns about or violations of this directive, contact the Office of the Ombudsman (formerly the Chief Integrity Officer) by completing the Online Referral Form²⁶ or sending an email to dcps.cio@dc.gov.

This policy will be reviewed every two years and revised as appropriate.

²⁵ OHR Language Access Complaint Form, available at <https://ohr.dc.gov/page/LAportal/public>.

²⁶ Office of the Ombudsman Online Referral Form, available at <https://dcps.dc.gov/page/office-integrity>.