

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC Public Schools



Public Hearing on

Bill 22-0075, “The Language Access for Education Amendment Act of 2017”

Testimony of

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Before the

Committee of the Whole

Phil Mendelson, Chairman

Council of the District of Columbia

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Room 120

John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, DC 20004



Good morning, Chairman Mendelson, members of the Committee of the Whole, and staff. My name is Brian Pick, and I am Chief of Teaching and Learning at DC Public Schools (DCPS). I am pleased to have the opportunity to testify on behalf of Chancellor Wilson and DCPS regarding Bill 22-75, “Language Access for Education Amendment Act of 2017.”

DCPS serves more than 6,000 students who are English language learners (ELLs), students who come from 140 different countries and speak over 147 different languages, including dialects. Nearly 75% of our ELL population comes from a background where Spanish is spoken at home. Following Spanish, Amharic, French, Chinese, and Vietnamese are the four most commonly spoken languages of our ELL students. DCPS is committed to ensuring meaningful access and inclusion for these students. This drives our focus on providing the supports they need to acquire the English language and to be successful in school. We also believe that providing information for our parents and families in their preferred language contributes to more positive educational outcomes for their children.

This bill rightly focuses on addressing disparities in services that impact the quality of opportunities that English language learners experience as they access District educational institutions and other government agencies. And even beyond the legal obligations the district has under federal and local laws¹ to ensure that English language learners can participate meaningfully and equally in educational programs, DCPS holds a deep commitment to ensuring fairness and equity in our schools for all of our students and their families. We take seriously the current statutory requirements to provide language services to limited and non-English speakers; translate documents for specific identified language populations; and to ensure that staff and ELL populations are aware of the requirements and services available. My office includes a Language Acquisition Division (LAD) that helps schools provide quality

¹ These include Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act, Titles I and III of ESEA, IDEA, as well as DCMR Title 5 and existing Language Access legislation.



educational services to ELLs and supports culturally and linguistically diverse families – from the point of outreach, orientation and enrollment to screening and placement; and then, primarily through the use of Title III funding, DCPS provides targeted learning supports to students; professional development for teachers (both ELL and general education); curriculum development and adaptation; and academic reinforcement through after school tutoring. In SY16-17, we’ve also set aside funding to support ELL parent involvement activities.

Even with such a dedicated approach, we know that there are many areas and ways that DCPS can strengthen its communication with and educational programming for our ELL students and families. And we accept the general purposes of the Language Access for Education Amendment Act: to amend current laws in ways that further eliminate barriers ELL students and families experience in receiving educational services. Our major concerns with the proposed legislation relate first, to funding implications of the bill’s staffing mandates; second, the lingering ambiguity in the definition of “culturally competent” staff ; third, the bill’s expansive definition of “essential information” requiring written translation for parents and students; and finally, the potential perversion of what we currently view as a collaborative relationship with language access partners, as well as our ELL families, with the bill’s establishment of a monetary fine structure for violations of the legislation.

Section 2 (e) of the legislation establishes a specific school-level FTE requirement – that each public school designate a “culturally competent” language access liaison who is bilingual in two or more languages (including English). This requirement could pose a significant burden on schools’ budgets, and might well run counter to established ELL programming in some of our schools. The bill also requires local education agencies (LEAs) to designate a school language access coordinator to oversee and monitor schools for compliance. As I mentioned, DCPS is deeply committed to ensuring that teachers and staff understand the existing language access requirements and resources, under existing laws and



regulations, with support from my office, as well as the Office of the State Superintendent of Education (OSSE) and the District’s Office of Human Rights (OHR) – and we’ll continue to assess this work as DCPS, under Chancellor Wilson, looks to amplify its delivery of high-quality, equitable instruction and services. Additionally, while the legislation has been revised to put forward a narrower definition of “culturally competent,” we still find the definition to be subjective and question how and by whom “cultural competence” can objectively be certified, evaluated and/or challenged.

Section 2 (b) of the legislation adds a requirement that public schools provide written translations of “essential information” for students and parents upon request – for language populations of a certain threshold (5% of the school’s population, or 500, whichever is fewer). First, students should not be included in this requirement, as they are already covered under existing laws, and it would be counterproductive to provide translations for students our schools are working to teach English. What is more concerning, however, is the range of documents the legislation attempts to define for translation under this section – from schools’ handbooks to performance and progress reports to behavioral reports and plans to special education matters. While, federal Title VI already requires school districts to provide information to parents, when necessary, in their required language, we have overall concerns about schools’ capacity to translate (and pay for) the broad range of documents identified here in multiple languages. DCPS is already working on delivering report cards in major languages, but it could be a bit trickier to think about doing the same for all of the distinct teacher-generated reports with data and individual comments that are generated throughout the year. To address this concern, it might be more effective to consider creating guides (in multiple languages) that help parents read important reports and documents related to their students. Additionally, this requirement ignores the more effective approach, and the existing practice, of providing oral interpretation services for ELL parents.



Finally, Section 2 (e) establishes a process by which complaints may be brought against schools and LEAs and a fine structure to be extracted from schools and LEAs for violations of the legislation. These fines are to be deposited in a fund administered by the Office of Victim Services and Justice Grants. The legislation proposes that these funds be used to provide grants to community-based organizations “to assist with the implementation of and compliance with” the legislation. We believe that this misses an opportunity to unite District agencies and our language access, community-based partners around this work, rather than offering a divide.

The legislation makes no mention of a process whereby a complaint may be made and parties have an opportunity to collaboratively develop corrective actions or responses; federal requirements already provide a venue for language access complaints – and give school districts an opportunity to correct violations. We believe the penalty/fine structure established under the legislation will create an incentive for individuals and organizations to find ways to file complaints that generate guaranteed funding. To be clear, we believe our families deserve a system that acknowledges and remediates any barriers they experience in accessing our services. But there is a gap between this provision for the filing of a complaint and the levy of fines against a school accused of violations (with half of the fine going to the complainant), with no step anywhere in the process for redress by the educational entity. We are reminded of the adversarial situation the District found itself in during the late 1990’s- early 2000’s – around special education services and escalating litigation – from which we have only recently begun to emerge.

Currently, language access community-based organizations bring funding to work with our schools and students, and DCPS views them as our partners, but the legislation provision for a new, guaranteed funding stream could eliminate that organizational impulse and adversely affect the relationships between language access organizations and schools, as well as critical services to students. Whether it is individuals or organizations working on behalf of individuals, the effect would be the same. Beyond our



concerns about the potentially unforeseeable impact on schools' budgets, we believe there are more creative and better uses of these funds that could enhance the level of services and actually improve the experiences of access and inclusion for ELL students and families.

DCPS recognizes that there is always room for improvement in our practice, and we appreciate the advocacy that highlights gaps in our services to our ELL population; however, we do not believe that legislating requirements that engineer our staffing and potentially divert resources from educating the very students that language access legislation is designed to benefit serves the goal of ensuring greater access and inclusion. DCPS welcomes any opportunity to collaborate with Council, as well as our government and external partners, to explore other approaches to support the needs of our English language learners and their families.

I appreciate the opportunity to provide remarks on the Language Access for Education Amendment Act of 2017. Thank you and I would be happy to answer any questions you might have.

