
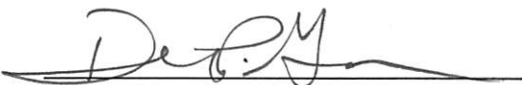




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2 Councilmember Charles Allen

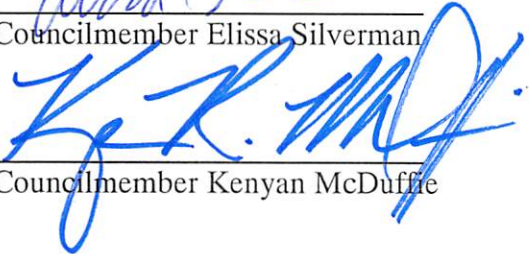

Councilmember David Grosso

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6 Councilmember Robert White


Councilmember Brianne K. Nadeau

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10 Councilmember Elissa Silverman


Councilmember Vincent Gray

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14 Councilmember Kenyan McDuffie

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17 A BILL

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21 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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25 To amend the Language Access Act of 2004 to add the Mayor’s Office of Community Affairs, the
26 Secretary to the Council of the District of Columbia, and other entities to the list of covered
27 entities with major public contact; require each public school and public charter school to
28 provide translations of essential information to students, parents, and guardians; require the
29 language access coordinators of certain covered entities with major public contact to have
30 language access coordination as their primary role; require the Office of Human Rights to
31 publish an annual summary of all decisions, orders, corrective actions, and fines issued in
32 the prior year; require public schools and public charter schools to designate a culturally
33 competent language access liaison and each local education agency to designate a language
34 access coordinator if the percentage of students who are of limited or no-English
35 proficiency is more than 5 percent, or 500 individuals, whichever is fewer, of the
36 population being served by the public school or public charter school; clarify the complaint
37 filing and appeals procedures; establish monetary penalties for violations of the act; and
38 establish the Language Access Education and Awareness Fund.

39
40 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
41 act may be cited as the “Language Access for Education Amendment Act of 2017”.

42 Sec. 2. The Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C.
43 Official Code § 2-1931 *et seq.*), is amended as follows:

44 (a) Section 2 (D.C. Official Code § 2-1931) is amended as follows:

45 (1) Paragraph (3)(B) is amended as follows:

46 (A) Sub-subparagraph (iii) is amended by striking the phrase “Mental
47 Health;” and inserting the phrase “Behavioral Health;” in its place.

48 (B) Sub-subparagraph (vi) is amended by striking the semicolon and
49 inserting the phrase “Department;” in its place.

50 (C) Sub-subparagraph (xxii) is amended by striking the phrase “Office of
51 Personnel;” and inserting the phrase “Department of Human Resources;” in its place.

52 (D) Sub-subparagraph (xxv) is amended by striking the word “and”.

53 (E) Sub-subparagraph (xxvi) is amended by striking the period and inserting
54 a semicolon in its place.

55 (F) New sub-subparagraphs (xxvii), (xxviii), (xxix), (xxx), (xxxi), (xxxii),
56 (xxxiii), (xxxiv), (xxxv), (xxxvi), (xxxvii), (xxxviii), (xxxix), (xxxx), (xxxxi), and
57 (xxxxii) are added to read as follows:

58 “(xxvii) Department of General Services;

59 “(xxviii) Department of Health Care Finance;

60 “(xxix) Department of Small and Local Business Development;

61 “(xxx) Department of Energy and the Environment;

62 “(xxxi) Department of Transportation;

63 “(xxxii) Department of Youth Rehabilitation Services;

64 “(xxxiii) Department on Disability Services;

65 “(xxxiv) District of Columbia Lottery and Charitable Games Control Board;
66 “(xxxv) Office of Administrative Hearings;
67 “(xxxvi) Office of the Attorney General, Child Support Services Division;
68 “(xxxvii) Office of the State Superintendent of Education;
69 “(xxxviii) Office of the Tenant Advocate;
70 “(xxxix) Office of Unified Communications;
71 “(xxxx) Office of Zoning;
72 “(xxxxi) The Mayor’s Office of Community Affairs; and
73 “(xxxxii) The Secretary to the Council of the District of Columbia.”.

74 (2) New paragraphs (3A) and (3B) are added to read as follows:

75 “(3A) “Culturally competent” means the ability to deliver or ensure access to services
76 in a manner that effectively responds to the languages, values, and practices present in the various
77 cultures of District of Columbia public school and public charter school students in order to
78 respond to the individual needs of each student.

79 “(3B) “Essential information” means data and materials related to a student’s
80 wellbeing and educational progress, including data and materials related to the following:

81 “(A) Special education issues arising under the Individuals with Disabilities
82 Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400 *et seq.*), or section 504 of
83 the Rehabilitation Act, approved September 26, 1973 (87 Stat. 356; U.S.C. § 701 *et seq.*).

84 “(B) Academic performance, student attendance, academic planning, and
85 progress reports;

86 “(C) Behavioral reports, behavioral intervention plans, disciplinary actions,
87 and an explanation of the disciplinary process;

88 “(D) Activities for which notice is needed or parental permission is
89 required;

90 “(E) Public health and safety notifications; and

91 “(F) The student handbook.”.

92 (3) A new paragraph (5A) is added to read as follows:

93 “(5A) "Local education agency" means an educational institution at the local level
94 that exists primarily to operate a publicly funded school or schools in the District of Columbia,
95 including the District of Columbia Public Schools and a District of Columbia public charter
96 school.”.

97 (b) Section 4 (D.C. Official Code § 2-1933) is amended as follows:

98 (1) The heading is amended to read as follows:

99 “Sec. 4. Written language services provided.”.

100 (2) A new subsection (a-1) is added to read as follows:

101 “(a-1) Each public school and public charter school shall provide translations of
102 essential information for students and parents or guardians upon request, into any non-English
103 language spoken by a limited or no-English proficient population that constitutes 5%, or 500
104 individuals, whichever is fewer, of the population being served by the public school or public
105 charter school.”.

106 (3) Subsection (b) is amended to read as follows:

107 “(b)(1) If the provisions of this subchapter are contractually imposed on a non-covered
108 entity providing services for a covered entity, the requirements of subsection (a) shall apply to that
109 non-covered entity.

110 “(2) If the provisions of this subchapter are contractually imposed on a non-covered
111 entity providing services for a public school or public charter school, the requirements of
112 subsection (a-1) shall apply to that non-covered entity.”.

113 (c) Section 5 (D.C. Official Code § 2-1934) is amended by adding new subsections (b-1)
114 and (b-2) to read as follows:

115 “(b-1) The language access coordinator for each of the following covered entities
116 with major public contact shall have language access coordination as his or her primary role:

117 “(1) The Department of Consumer and Regulatory Affairs;

118 “(2) The Department of Employment Services;

119 “(3) The Department of Health;

120 “(4) The Department of Housing and Community Development;

121 “(5) The Department of Human Services;

122 “(6) The Department of Motor Vehicles;

123 “(7) The Department of Parks and Recreation;

124 “(8) The District of Columbia Public Schools;

125 “(9) The Fire and Emergency Medical Services Department;

126 “(10) The Metropolitan Police Department;

127 “(11) The Office of Tax and Revenue; and

128 “(12) The Office of the State Superintendent for Education.

129 “(b-2)(1) The Office of Human Rights shall review the list of agencies in subsection
130 (b-1) of this section annually and may, through rulemaking, require the language access
131 coordinator for a covered entity with major public contact that is a subordinate agency within the
132 meaning of section 301(17) of the District of Columbia Government Comprehensive Merit

133 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
134 603.01(17)), and is not included on the list, to have language access coordination as his or her
135 primary role.

136 “(2) The Office of Human Rights shall base each rulemaking on a covered
137 entity’s compliance with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law
138 15-167; D.C. Official Code § 2-1031 *et seq.*), or its role in providing services to limited or no-
139 English proficiency populations.

140 “(3) The Office of Human Rights may rescind a rulemaking made pursuant
141 to paragraph (1) of this subsection.”.

142 (d) Section 6(b) (D.C. Official Code § 2-1935(b)) is amended as follows:

143 (1) Paragraph (5) is amended by striking the phrase “and”.

144 (2) Paragraph (6) is amended by striking the period and inserting the phrase “; and”
145 in its place.

146 (3) A new paragraph (7) is added to read as follows:

147 “(7) Annually publish a summary of all decisions, orders, and corrective actions for
148 language access violations issued in the prior year, including:

149 “(i) The name of the entity responsible for the violation or violations;

150 “(ii) The location or locations where the violation or violations took place;

151 “(iii) The date of the violation or violations;

152 “(iv) Specific findings of non-compliance with the Language Access Act of
153 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*);

154 “(v) All corrective actions ordered for compliance and the dates by which
155 compliance with those actions shall be achieved;

156 “(vi) All fines imposed and collected by the Office on Human Rights for
157 the violation or violations; and

158 “(vii) The dates on which each complaint of a language access violation was
159 filed and the corresponding decision, order, or corrective action was issued.”.

160 (e) New sections 6a, 6b, 6c, and 6d are added to read as follows:

161 “Sec. 6a. Language access for students.

162 “(a) If the percentage of students who are of limited or no-English proficiency is more than
163 5 %, or 500 individuals, whichever is fewer, of the population being served by a public school or
164 public charter school:

165 “(1) The public school or public charter school shall designate a culturally
166 competent language access liaison who is bilingual in two or more languages, including English,
167 that are prevalent among the school’s population; and

168 “(2)(i) The local education agency within which the public school or charter school
169 is located shall designate a school language access coordinator who shall oversee and monitor each
170 public school or public charter school within the local education agency to ensure compliance with
171 the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code
172 § 2-1931 *et seq.*).

173 “(ii) The Office of Human Rights shall assist any language access
174 coordinator designated pursuant to subsection (a)(2) of this section with providing training for
175 front office staff and support staff, teachers, and counselors on how to use the language access
176 line, how to work with interpreters, and on the best practices for interacting with and integrating
177 English language learner students and their families.

178 “(b) If a public charter school is also a local education agency, its language access
179 coordinator shall carry out the responsibilities of both the language access coordinator and the
180 language access liaison.

181 “Sec. 6b. Filing a complaint with the Office of Human Rights; appeals.

182 “(a) Any person or organization may file with the Office of Human Rights a public
183 complaint alleging a violation of the Language Access Act of 2004, effective June 19, 2004 (D.C.
184 Law 15-167; D.C. Official Code § 2-1931 *et seq.*), in accordance with the procedures set forth in
185 Chapter 12 of Title 4 of the District of Columbia Municipal Regulations (4 DCMR § 1200 *et seq.*).

186 “(b) The public complaint may be filed on behalf of a complainant by a person or
187 organization with an interest in the welfare of the complainant.

188 “(c) An appeal from a final decision and order or a final decision and order on
189 reconsideration may be filed with the Office of Administrative Hearings within 30 calendar days
190 after the date the Office of Human Rights' final decision and order or final decision and order on
191 reconsideration is issued.”.

192 “Sec. 6c. Remedies.

193 “(a) If the Office of Human Rights finds that a violation of the Language Access Act of
194 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*), has
195 occurred, it shall impose the following penalties, of which half shall be awarded to the
196 complainant, on covered entities, public schools, or public charter schools that employ:

197 “(1) 1 to 30 employees, a fine of \$1,000;

198 “(2) 31 to 99 employees, a fine of \$2,500; or

199 “(3) 100 or more employees, a fine of \$5,000.

200 “(b) Fines shall be doubled for:

201 “(1) Violations that are found to be substantially similar to previous violations
202 within a 2-year period of a finding of noncompliance; or

203 “(2) The failure to implement corrective actions as ordered by the Office of Human
204 Rights within 90 days, unless compliance within that time period is impracticable.

205 “(c) The Office of Human Rights shall inform the complainant of any corrective action
206 ordered as a result of a finding of noncompliance at the same time that the Office provides the
207 corrective action to the entity.

208 “(d) The administrative remedies in this section are exclusive. A person alleging a violation
209 of this act shall have no private cause of action in any court under the Language Access Act of
210 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

211 “Sec. 6d. Language access education and awareness fund.

212 “(a) There is established as a special fund the Language Access Education and Awareness
213 Fund (“Fund”), which shall be administered by the Office of Victim Services and Justice Grants
214 in accordance with subsections (c) and (d) of this section.

215 “(b) Revenue from fines collected from violations of this act that is not distributed
216 complainants shall be deposited in the Fund.

217 “(c) Money in the Fund shall only be used to provide grants to community based
218 organizations to assist with the implementation of and compliance with this act, including the
219 development and publication of language access outreach materials.

220 “(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the
221 unrestricted fund balance of the General Fund of the District of Columbia at the end of the fiscal
222 year or at any other time.

223 “(2) Subject to authorization in an approved budget and financial plan, any funds
224 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

225 Sec. 3. Fiscal impact statement

226 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
227 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
228 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

229 Sec. 4. Effective date.

230 This act shall take effect following approval by the Mayor (or in the event of veto by the
231 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
232 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
233 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
234 Columbia Register.