



# JNCL-NCLIS Update

October 2016



## Message from the Executive Director

Dear Colleagues,

In the past month, we've intensified our outreach to the presidential transition teams, working with JNCL-NCLIS member, the National Association for Bilingual Education as well as the American Federation of Teachers on K-12 issues, and the National Humanities Alliance, the Association of American Universities, the Association of Public and Land Grant Universities, the American Council of Education, and the Coalition for International Education, on transition for Title VI/Fulbright-Hays. This is in addition to our ongoing work to highlight the need for better coordination and funding across all Federal language programs.

For this month's update, and while we await the election results, I'd like to turn to our work on behalf of the industry and employment sectors of the Language Enterprise. We've begun focused work on two areas: first, how the US Department of Labor impacts the language enterprise, and second, on H1-B visa reform.

### The US Department of Labor and the Language Industry

In the Department of Labor are three interlocking issues:

1. Information on earnings by language professionals, as reported by the Bureau of Labor Statistics and based on monthly data collected by the Occupation and Employment Statistics (OES) Program of the Bureau of the Census. Our initial analyses of the raw data and survey methodology give strong indications that the Bureau of the Census significantly undercounts translators and interpreters, in that the OES only surveys employers with W-2 employees (as opposed to freelancers, who constitute the vast majority of practicing translators and interpreters); excludes US Government employees (Federal linguists earn more than \$70,000 per year on average); and does not differentiate by geographic location, language, education level, certification, or specialization;
2. Prevailing wage rates for translators and interpreters, based on the foregoing data and determined by the Wage and Hour Division of the US Department of Labor. As a result of the infelicities noted in the OES methodology, the prevailing wage rates appear to be much lower than the typical compensation provided to interpreters and translators in the US. This depresses the earnings of translators and interpreters on many Federal contracts, as well as the profits of the companies holding those contracts;
3. Enforcement of prevailing wages under the McNamara-O'Hara Service Contract

Act (SCA), which can be invoked by Federal agencies, in principle to ensure a minimum level of compensation for employees under Federal contracts for professional services. The concern with the SCA is that the US Department of Labor's Wage and Hour Division is not equitably enforcing the SCA through its audits, thereby allowing less-diligent contractors to pay their translators and interpreters less than the minimum, and to underbid companies which do adhere to the SCA.

We're working with the National Federation of Independent Businesses on a comprehensive strategy to approach the Wage and Hour Division on these issues. In addition, as a member of the Standards Committee of the American Translators Association, I can report that the Committee and its members are assisting in analysis of the data collected and methods used by the OES. We have raised these issues with the Small Business Committees in both the Senate and House, and we expect to brief them more formally after the new Congress is seated.

I'm spending some time and detail on these challenges for a couple of reasons. First, the ongoing commodification of language services by the Federal government undermines the vital message that translation and interpreting are professional services, on par with law, accountancy, medicine, and many other endeavors which require a high level of education, ongoing professional development, certification, and so on. Secondly, it's important to see "how the sausage is made" - that is, effecting change on any issue at the Federal level requires an in-depth understanding of the laws, regulations, and processes impacting that issue.

### **H1-B Visa Program and the Language Enterprise**

The second workplace issue we've turned to in the past several months is that of skilled workers and the H1-B visa program. This affects the educational and industry sides of the JNCL-NCLIS membership. Until 2006, Local Education Agencies (LEAs - that is, school districts) had much greater latitude in employing teachers of all kinds on H1-B visas. The H1-B program is meant for skilled technical workers; H1-B visas are capped at 65,000 per year, but some kinds of employers are exempt, in particular, institutes of higher education. Certain STEM fields are exempt as well. Prior to 2006, it was fairly straightforward for an LEA to claim affiliation with a college or university, and to thus be eligible to employ "uncapped" H1-B visa holders as teachers. In 2006, the United States Citizenship and Immigration Service (an agency of the Department of Homeland Security) issued administrative guidance that ended this type of affiliation, requiring a much closer tie between the college or university and any employer wishing to hire an individual with an H1-B visa. The National Association of District Supervisors of Foreign Languages (NADSFL) and the National Council of State Supervisors of Foreign Languages (NCSSFL) worked with JNCL-NCLIS to identify the specific administrative change in 2006, and to collect stories from schools and districts about the impact of this change, which has exacerbated the teacher shortage in world languages in the US. JNCL-NCLIS has met with the White House and is working with immigrant advocacy organizations to develop an approach to changing the current guidance. All indications are that this effort will require a great deal of patience, as immigration is a hot-button topic in DC.

In addition to the affiliation issue, we've been working with JNCL-NCLIS member, the Linguistic Society of America, as well as the Council of Social Science Associations, to add linguistics (of all flavors) to the current list of STEM subjects. Doing so would exempt degree holders in linguistics from the caps on H1-B visas. This has been an arduous process, but a recent ruling by the Department of Homeland Security states that DHS may consider "related fields" as STEM, without adding to the list of STEM fields per se. We will be meeting in the near future with the White House and DHS to emphasize how vital this exception is to the Language Enterprise.

I noted that we'll have an election in a few days - this makes Language Advocacy Day all the more important in 2017, as we will have a new administration and a good number of new Representatives and Senators, along with new staff on Capitol Hill. It's our job as advocates to educate them about what we do in the Language Enterprise, and to advocate for our issues, while we strengthen our connections with returning Members of Congress. We are planning an interactive, engaging program to help you take advocacy home, and we've negotiated a very favorable hotel rate (at least for Washington, DC!) of \$229/night. Please register now for Language Advocacy Day, and consider a sponsorship for your organization or company (these are going fast).

In the next month, JNCL-NCLIS will present at the American Translators Association, the American Council on the Teaching of Foreign Languages, the Michigan World Language Association, the Generation Study Abroad Summit of the Institute of International Education, the University of Virginia Institute of World Languages, and Localization World. We look forward to seeing many of you at these events!

With Best Wishes, and Happy Halloween,

Bill Rivers

## Welcome, Valerie Turner!

JNCL-NCLIS is pleased to welcome Valerie Turner as our intern for the fall. Valerie comes to us from Loyola University in Maryland. In addition to managing our website and social media platforms, Valerie will also be helping with research in support of our transition plan, logistics in planning for Language Advocacy Day, and in analysis of federal programs and appropriations impacting language. You can read Valerie's bio below.

### Valerie Turner, Policy Intern

Valerie graduated cum laude from Loyola University Maryland where she received a B.A. in Global Studies with a minor in Spanish. While pursuing her degree, she studied abroad in Bangkok, Thailand where she was able to live, teach, and travel throughout Southeast Asia. She is fluent in English and Spanish and is currently studying Egyptian Arabic and French. She joined JNCL-NCLIS as a policy intern in October 2016. Her email address is [vturner@languagepolicy.org](mailto:vturner@languagepolicy.org).

## Key Policy Updates

The U.S. Department of Education (USED) released last week a [non-regulatory guidance](#) on Title VI, Part A of the Every Student Succeeds Act (ESSA), known as the Student Support and Academic Enrichment grant program. In this guidance document, USED provides key information on the provisions of the new SSAE program including a discussion of the allowable uses of funds, role of the SEA, fiscal responsibilities, and the local application requirements. In addition, the guidance provides examples of several innovative activities that demonstrate some of the SSAE program allowable uses of funds. It is important to note that SSAE funds may not be sufficient to independently fund many of these innovative activities. This guidance discusses leveraging other state and local resources in combination with the SSAE grant funds to achieve the goals of SSAE programs and activities.

In addition to the guidance, USED has also released [Dear Colleague letters](#) with Secretary King's signature outlining pathways to use these funds and methods to supplement these monies through alternative funding sources. The [full guidance](#) includes the chart excerpted below.

Overview of Allowable SSAE Program Activities		
Well-Rounded Educational Opportunities (ESEA section 4107)	Safe and Healthy Students (ESEA section 4108)	Effective Use of Technology (ESEA section 4109)
<ul style="list-style-type: none"> <li>Improving access to foreign language instruction, arts, and music education</li> <li>Supporting college and career counseling, including providing information on opportunities for financial aid through the early FAFSA</li> <li>Providing programming to improve instruction and student engagement in science, technology, engineering and mathematics (STEM), including computer science, and increasing access to these subjects for underrepresented groups</li> <li>Promoting access to accelerated learning opportunities including Advanced Placement (AP) and International Baccalaureate (IB) programs, dual or concurrent<sup>5</sup> enrollment programs and early college high schools<sup>5</sup></li> <li>Strengthening instruction in American history, civics, economics, geography, government education, and environmental education</li> </ul>	<ul style="list-style-type: none"> <li>Promoting community and parent involvement in schools</li> <li>Providing school-based mental health services and counseling</li> <li>Promoting supportive school climates to reduce the use of exclusionary discipline and promoting supportive school discipline</li> <li>Establishing or improving dropout prevention</li> <li>Supporting re-entry programs and transition services for justice-involved youth</li> <li>Implementing programs that support a healthy, active lifestyle (nutritional and physical education)</li> <li>Implementing systems and practices to prevent bullying and harassment</li> <li>Developing relationship building skills to help improve safety through the recognition and prevention of coercion, violence, or abuse</li> <li>Establishing community partnerships</li> </ul>	<ul style="list-style-type: none"> <li>Supporting high-quality professional development for educators, school leaders, and administrators to personalize learning and improve academic achievement</li> <li>Building technological capacity and infrastructure</li> <li>Carrying out innovative blended learning projects</li> <li>Providing students in rural, remote, and underserved areas with the resources to benefit from high-quality digital learning opportunities</li> <li>Delivering specialized or rigorous academic courses and curricula using digital learning technologies and assistive technology</li> </ul>
<p>*Note: This table provides examples of allowable activities and is not an exhaustive list. Please consult the statute for more information. The text of the ESEA, as amended by ESSA, is available at: <a href="http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20of%201965.pdf">http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20of%201965.pdf</a>.</p>		

JNCL-NCLIS has also examined other opportunities for funding for foreign languages in ESEA as amended by ESSA. Read the [JNCL-NCLIS Analysis](#).

## Language Advocacy Day & Delegate Assembly 2017



### Hotel Information

JNCL has a room block at the Hyatt Regency Washington on Capitol Hill, where all Language Advocacy Day events except Congressional meetings will take place. The hotel is located at 400 New Jersey Ave NW, Washington, DC 20001 and is a short walking distance from the Capitol complex and Union Station. Room rates in the JNCL block start at \$229 per night for single and double occupancy rooms. [Book your stay at](#)



[the Hyatt!](#)

NB: The dates on the hotel booking site read February 14-16. Most guests will stay the nights of February 15 and 16, as the event begins on Thursday morning, February 16 and concludes on Friday afternoon, February 17. There is a modest number of rooms available for Tuesday night, February 14 for guests arriving to Washington, D.C. early.

## [Sponsorships](#)

### **Promote your organization or business at Language Advocacy Day next February!**

JNCL-NCLIS' Language Advocacy Day and Delegate Assembly brings together language advocates from all walks of the language profession - educators PreK-20 of the modern, less-commonly taught, and classic languages, researchers and social scientists, linguists and localizers, and business owners - all active in national, state, and local level organizations. The event helps build and strengthen a national network of language advocates, and is a great platform for sponsors to get involved, network within the language enterprise, and contribute to the JNCL-NCLIS mission.

Take a look at this year's [sponsorship package!](#) Interested organizations and businesses are invited to claim sponsorship items or ask for more details by emailing Maria Pulcini at [mpulcini@languagepolicy.org](mailto:mpulcini@languagepolicy.org).

## **JNCL-NCLIS Partners with GALA**

JNCL-NCLIS is pleased to announce its new partnership with the *Globalization and Localization Association*. The partnership opens up great new opportunities for JNCL-NCLIS members and GALA members alike!

- 15% first-time new member discount to JNCL-NCLIS members joining GALA
- 15% first-time new member discount to GALA members joining JNCL-NCLIS
- Discount for JNCL-NCLIS members attending GALA conference
- Discount for GALA members attending JNCL-NCLIS conference

### [GALA 2017 Conference](#)

March 26-29, 2017

Amsterdam, Netherlands

Visit [GALA's website](#) for details about the organization's work in advancing translation, localization, interpreting, and the broader language industry.

For more information about the partnership, or to take advantage of the benefits, please contact Maria Pulcini at [mpulcini@languagepolicy.org](mailto:mpulcini@languagepolicy.org).

## **Upcoming Member Events**

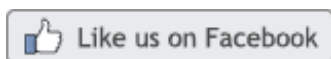
ATA Annual Conference	November 2 - 5, 2016 San Francisco, CA <a href="http://www.atanet.org/conf/2016/">http://www.atanet.org/conf/2016/</a>
QFI Forum for Arabic K-16	November 17, 2016 Boston Park Plaza Hotel Boston, MA <a href="http://www.qfi.org/events/arabic-k-16-forum/">http://www.qfi.org/events/arabic-k-16-forum/</a>

ACTFL Annual Convention & Expo	November 18 - 20, 2016 Boston Convention Center Boston, MA <a href="http://www.actfl.org/convention-expo">http://www.actfl.org/convention-expo</a>
LSA Annual Meeting	January 5 - 8, 2017 JW Marriott Austin Austin, TX <a href="http://www.linguisticsociety.org/event/lisa-2017-annual-meeting">http://www.linguisticsociety.org/event/lisa-2017-annual-meeting</a>
NECTFL Annual Conference	February 9 - 11, 2017 Hilton Midtown New York, NY <a href="http://www.nectfl.org/conference/">http://www.nectfl.org/conference/</a>
NABE Annual Conference	February 23 - 25, 2017 Hilton Anatole Dallas, TX <a href="http://www.nabe-conference.com/index.html">http://www.nabe-conference.com/index.html</a>
SWCOLT Annual Conference	March 2 - 4, 2017 Skirvin Hotel Oklahoma City, Oklahoma <a href="http://www.swcolt.org/conference">http://www.swcolt.org/conference</a>
CSCTFL Annual Conference	March 9 - 11, 2017 The Palmer House Hilton Chicago, IL <a href="http://cscftl.org/conferences/2016conference.html">http://cscftl.org/conferences/2016conference.html</a>
SCOLT Annual Conference	March 16-18, 2017 Orlando Airport Marriott Orlando, FL <a href="http://scolt.org/index.php/conferences/future-conferences">http://scolt.org/index.php/conferences/future-conferences</a>

We are happy to share announcements of our members' upcoming events in our email campaigns and on our social media platforms. You can share these announcements with us by sending the relevant information to [mpulcini@languagepolicy.org](mailto:mpulcini@languagepolicy.org).

## Connect with JNCL-NCLIS

We have **1,077 followers** on Twitter and are eager for more! Please follow us @JNCLInfo and like us on Facebook! We invite you to interact and share with JNCL-NCLIS and fellow members on all of our platforms:



More importantly, if your association has news to share with your colleagues, please do let us know - we are always more than happy to share news (good and bad), job announcements, upcoming events, and advocacy requests from all of our members.

## Managing Your Subscriptions

Thank you for your interests in language news and the activities of JNCL-NCLIS. We are happy to have you as part of our community. While we try to limit the number of our messages and send only the most important information to you, we realize that sometimes that still amounts to a lot of mail in your inbox.

If you ever feel as though you're getting too much mail from us, you can always find a link at the bottom of each message that allows you to "Update Profile/Email Address." Clicking this link will take you to a page where you can change to which mailing lists you are subscribed (see the explanation of the lists below). At the bottom of every email, there is also an "Unsubscribe" link. Clicking this will remove your email address from all of our lists and you will be unable to receive any mailings from us unless you resubscribe on our website.

- [JNCL-NCLIS Weekly Newsbrief](#) - Weekly roundup of language news, grant opportunities, and conference announcements sent on Thursday afternoons
- [JNCL-NCLIS Monthly Update](#) - Monthly newsletter detailing activities and news about JNCL-NCLIS, and occasional announcements and action alerts
- [Members of JNCL NCLIS Member Organizations](#) - Special announcements about JNCL-NCLIS activities relevant to members, action alerts, and information about the annual Language Advocacy Day.
- [Member Organization Delegates to JNCL-NCLIS](#) - Official JNCL-NCLIS business and information for member representatives in the Delegate Assembly

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