

STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS
830 PUNCHBOWL STREET, SUITE 322
HONOLULU, HI 96813

SERAFIN P. COLMENARES, JR.
EXECUTIVE DIRECTOR

To: Rep. Sylvia Luke, Chair
Rep. Scott Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

From: Serafin Colmenares Jr.
Executive Director, Office of Language Access

Date: February 20, 2014, 12:00 p.m.
State Capitol, Room 308

Re: Testimony on H.B. 1740 HD1
Relating to Language Access

The Office of Language Access (“OLA”) appreciates the opportunity to testify in support of H.B. 1740 Relating to Language Access. My name is Serafin Colmenares, Jr. and I am the Executive Director of OLA. **OLA strongly supports H.B. 1740 HD1 with amendments**, to include adequate appropriations; as also recommended by the Committee on Health in its Committee Report. These appropriations reflect what is needed to operate the Language Access Resource Center (LARC) and Multilingual Website Pilot Project.

The Language Access Resource Center and a pilot multi-lingual website project were created by the legislature last year through Act 217. These are arms of OLA which enable state and state-funded agencies to better serve the LEP population and assist them in complying with applicable federal and state language access laws.

Since Act 217 became effective on July 1, 2013, OLA has set into motion the steps to hire staff and begin the work of the LARC and the Multilingual Website Pilot Project. However, OLA is unable to execute these initiatives as intended because the appropriation given by the 2013 legislature was less than half that was projected and requested.

We respectfully request that your committee pass this measure with appropriations of **\$300,000 in Section 6** to operate the Language Access Resource Center; and **\$150,000 in Section 7** for the Multilingual Website Pilot Project.

OLA appreciates this committee for its commitment to language access and for the opportunity to provide this testimony.

NEIL ABERCROMBIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

JADE T. BUTAY
DEPUTY DIRECTOR

MILA KA'AHANUI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES
830 PUNCHBOWL STREET, ROOM 420
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
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February 19, 2014

To: The Honorable Sylvia Luke, Chair,
The Honorable Scott Y. Nishimoto, Vice Chair,
The Honorable Aaron Ling Johanson, Vice Chair, and
Members of the House Committee on Finance

Date: Thursday, February 20, 2014

Time: 12:00 noon

Place: Conference Room 308, State Capitol

From: Mila Kaahanui, Executive Director

Re: HB 1740, HD 1: Office of Language Access Multilingual Pilot Project.

POSITION: Strong Support.

I. OVERVIEW OF THE PROPOSED LEGISLATION

The State Office of Language Access (OLA) has been working toward eventual creation of corps of translators and interpreters for use by the State and the general public. This is a long-term goal that the present bill would help move forward.

The bill, as amended by the House Committee on Health, would fund the Language Access Resource Center (LARC) and OLA's multilingual website pilot project. Both of these functions of OLA were established last year by Act 217, SLH2013. The House Committee on Health reported out this bill favorably, and has requested that the Finance Committee fund these two arms of OLA, suggesting (1) \$300,000 for Fiscal Year 2014-2015 for LARC; and (2) \$150,000 for Fiscal Year 2014-2015 for the website pilot project.

II. COMMENTS ON HOUSE BILL 1740, HD1

The Office of Community Services (OCS) was created in 1985 by legislation codified at Chapter 371K, HRS, and tasked with the responsibility to plan, develop, provide, and coordinate programs serving Hawaii's immigrants, refugees, and economically disadvantaged individuals.

OCS has long recognized that a large segment of its client population is comprised of Limited English Proficient (LEP) individuals in households where English is not the primary language spoken. In 2012, OCS conducted a comprehensive needs assessment survey of various communities across the State, and one of its findings related to the need for more translation and interpretation services for this population to support their social and economic self-sufficiency goals.

OCS believes that this measure represents an important step in furthering the language access goals for Hawaii's LEP individuals and families.

Thank you for the opportunity to testify in support of this measure.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 20, 2014
Rm. 308, 12:00 p.m.

To: The Honorable Sylvia Luke, Chair
Members of the House Committee on Finance

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

H.B. No. 1740, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. The HCRC is also an ex-officio member of the Language Access Advisory Council for the Office of Language Access (OLA).

The HCRC supports H.B. No. 1740, H.D.1 provided that its passage does not replace or adversely impact priorities in the Executive Budget. H.B. No. 1740, H.D.1 would fund the statewide language access resource center for state agencies and state-funded entities, as well as a multilingual website to provide online information about government services to limited English proficient (LEP) individuals during FY 2014-2015. Language is a characteristic of national origin and ancestry. Denial of access to federal and state funded services for LEP individuals is unlawful national origin / ancestry discrimination, under Title VI of the Civil Rights Act of 1964 and HRS Chapter 321C.

OLA is responsible for oversight, central coordination, and technical assistance to state agencies in implementation of language access requirements. To date, OLA’s primary work has been in lending technical assistance to covered entities in developing language access plans required by law, and planning and organizing annual conferences on language access. OLA has not been able to offer state agencies the

resources needed to effectively provide interpreters and written translations required to implement their language access plans.

H.B. No. 1740, H.D.1 amends the appropriation amounts for FY 2014-2015 to provide OLA the resources needed to effectively establish a statewide language access resource center, so state agencies will not be left with just their own limited resources to address the challenges of providing required language access. The HCRC supports this measure, provided that its passage does not replace or adversely impact priorities in the Executive Budget.

Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
Committee on Finance



Dina R. Yoshimi
98-2051 Kaahumanu Street
Aiea, HI 96701

Thursday, February 20, 2014

In support of HB1740, HD1

I am Dina Rudolph Yoshimi, a faculty member of the Department of East Asian Languages and Literatures at the University of Hawai'i-Mānoa (UHM) for the past 22 years, and Director of the Hawai'i Language Roadmap Initiative (housed in the College of Languages, Linguistics and Literature at UHM) since September 2013. Today I am submitting testimony as a private citizen in support of HB1740, HD1.

In my role as a language professional, and as one who has had frequent experiences living overseas, I am well aware of the challenges that limited proficiency in a language can create. Funding for the measures proposed in this bill will greatly facilitate access by members of LEP populations to a broad range of basic human services provided by the State, as well as to essential web-based information about state programs. The development of web-based resources that are accessible to LEP populations is crucial to the fair and economical distribution of information by the State. A State language access resource center is equally important, in that it will provide ready access to additional resources that members of the LEP population can enlist to support their engagement with State agencies. With our growing populations of LEP immigrants, it is essential that the State act now to invest in the resources that will enable these new citizens and residents to share the same access to publicly-funded services and assistance that other populations enjoy. It is a matter of fairness and equality.

I thank you for your service to the State, and to all the people of Hawai'i. And, again, I express my support of HB 1740, HD1.



HAWAI‘I EDUCATIONAL POLICY CENTER TESTIMONY

Presented by Jim Shon, Director
Hawaii Educational Policy Center
February 20, 2014

LATE

Committee on Finance

DATE: Thursday, February 20, 2014

TIME: 12:00 P.M.

PLACE: Conference Room 308

RE: HB 1740 HD1 RELATING TO LANGUAGE ACCESS
HB 1748 HD1 RELATING TO LANGUAGE ACCESS

HEPC SUPPORTS ALL EFFORTS TO ENHANCE LANGUAGE ACCESS AND ASSIST OUR IMMIGRANT COMMUNITY AND ENGLISH LANGUAGE LEARNERS.

Recently HEPC co-sponsored a Forum on Immigration and ELL. Below is a summary of findings.

One missing link is that the efforts Hawaii makes re adult language are not directly connected to the Federal obligations to assist English Language Learners (ELL) in public schools. We urge the Committee to create this linkage. It is not clear that the Office of Language Access includes this connection in its mission.

We also note that the University of Hawaii has not yet developed a strong policy to promote the recognition of foreign language speakers as assets, or to develop programs to create a cohort of multi-language speakers, ala the Language Roadmap initiative.

**Summary Report on:
“Immigration and English Language Learners in Public Schools”**

A HEPC Forum co-sponsored by the William S. Richardson School of Law, the Myron B. Thompson School of Social Work, and the UH Manoa College of Education.

HAWAI‘I EDUCATIONAL POLICY CENTER
1776 University Avenue, Castle Memorial Hall 133 • Honolulu, Hawai‘i 96822
Dr. Jim Shon, Director Phone (808) 282-1509 • jshon@hawaii.edu
<http://manoa.hawaii.edu/hepc/>

I. Summary & Background According to the 2000 U.S. Census survey, 26.6 percent of persons in Hawaii speak a language other than English. Nationally, only 17.9 percent of the population speaks a language other than English. Additionally, the 2000 Census reports that the majority of persons immigrating to Hawaii come from Asia and the Pacific Islands. Of the population that (at home) speaks a language from Asia or from the Pacific Islands, 20.2 percent do not speak English well or at all.

Did You Know?

- Of the state's 1.2 million residents, more than 296,000 speak a language other than English at home. More than 134,000 additional residents speak English "less than very well."
- Languages in Hawaii with 1,000 speakers or more are Ilokano (27,077), Tagalog (26,418), Japanese (21,710), Mandarin/Cantonese (15,751), Korean (11,397), Spanish (7,384), Vietnamese (5,060), Chuukese/Marshallese (6,458), Samoan (3,334), Cebuano/Bisaya (2,137) and Hawaiian (1,292).

A recent Hawaii Department of Education report indicated there were 17,441 ELL students enrolled in public schools, representing approximately ten percent. However, certain complex areas (a high school and its feeder elementary and middle schools) are recording much higher percentages:

- Farrington Complex – 28%
- Kaimuki Complex – 24%
- McKinley Complex – 26%
- Waipahu Complex – 22%
- Kau Complex – 23%

One elementary school in Honolulu has a total enrollment of @ 600 students. Of that number, one-third are ELL students, or approximately thirty percent.

II. Legal Issues & Federal Obligations

There are two key Federal laws, and two court decisions based on them, that frame the obligations to serve English Language Learners in public education: the Equal Educational Opportunities Act of 1974, Title VI of the Civil Rights Act of 1964, and the decision in *Lau v. Nichols*, 414 U.S. 563 (1974).

The **Civil Rights Act of 1964** (Pub.L. 88–352, 78 Stat. 241, enacted July 2, 1964) is a landmark piece of [civil rights](#) legislation in the [United States](#)[1] that outlawed major forms of discrimination against racial, ethnic, national and religious minorities, and women.[2] It ended unequal application of voter registration requirements and [racial](#)

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segregation in schools, at the workplace and by facilities that served the general public (known as "public accommodations").

The Civil Rights Act and the Equal Opportunities Act define rights and obligations that every public school district must take seriously, especially one such as Hawaii with so many immigrants and ELL students in the public schools. In many cases, settlements require the allocation of more funds, personnel, and structural changes at the school level.

The case relied on Section 601 of the Civil Rights Act of 1964 and not the 14th amendment.

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=414&invol=563>

<http://cases.laws.com/lau-v-nichols>

What does Title VI of the Civil Rights Act of 1964 require for English-language learner students?

Federal law interpreted through several court decisions, requires programs that educate children with limited English proficiency to be:

- 1. based on a sound educational theory;
- 2. adequately supported, with adequate and effective staff and resources, so that the program has a realistic chance of success; and
- 3. periodically evaluated and, if necessary, revised.

III. Educational Issues

The Hawaii Department of Education reports its **Program Mission** is grounded in two federal laws: The Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f) (hereafter "EEOA"); and

Title VI of the 1964 Civil Rights Act, 20 U.S.C. § 2000d et seq., and its implementing regulations at 34 C.F.R. part 100 (hereafter collectively "Title VI")

The HODOE Mission Statement is as follows:

English Language Learners (ELLs) will meet state standards and develop English language proficiency in an environment where language and cultural assets are recognized as valuable resources to learning.

The HODOE goals of the ELL Program for all schools are to ensure that students will:

1. Acquire a level of English proficiency that will provide them with equal opportunities to succeed in the general education program.
2. Achieve the HODOE content standards and English language proficiency standards at levels to be able to exit the program.

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3. Possess the language, knowledge and skills to graduate and pursue post-secondary education and/or careers.
4. Develop an understanding of and appreciation for diverse cultures.

HIDOE Implementation of these goals include:

- Screener/Placement Test: W-APT™ given upon referral or arrival (World-Class Instructional Design and Assessment (WIDA)- ACCESS Placement Test) w/in 14 calendar days and entered into database.
- Annual Assessment for ALL ELLs in February: ACCESS for ELLs® (Assessing Comprehension and Communication in English State-to-State for English Language Learners).

HIDOE States that its first priority is English language skill development. The second priority is to prepare the students for the regular English-medium classroom. Language educators teach ELL classes. Students practice academic skills common to mainstream classes.

IV. Policy Analysis and Considerations

1. Improvements and additional funding for ELL and Immigrant support programs is not yet a significant priority for educational policy makers. There is general support for existing efforts, but no sense that more may be needed both for compliance with federal laws or effective strategies at the school or classroom levels.
2. Hawaii's Department of Education has established reasonable internal ELL goals, but the State Board of Education has not yet adopted formal policies. The Board's Strategic Plan does not identify as this as a priority, nor do recent initiatives (such as loading digital curricula on laptops or tablets) reflect opportunities to incorporate multi-language delivery systems.
3. There are questions as to the ability of Hawaii's public education institutions to address the needs of recent increases in non-English speaking immigrants from different cultural backgrounds. This is particularly true for recent

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- Pacific Island immigrants. It is estimated that 25% of all Hawaii residents speak a non-English language at home.
4. Educational researchers and leaders in ELL have developed a wide range of nuanced and comprehensive goals and criteria that can form the basis of a revitalized strategic plan to address the needs of ELL students and immigrants.
 5. HIDOE has incorporated the goal of reducing achievement gaps among ELL students (along with SPED and the financial needy) as one criterion for its HI STRIVE assessment program.
 6. It is not clear whether student achievement metrics will go beyond high stake testing in limited subjects, or how assessments under the Common Core will impact ELL and immigrant student assistance programs.
 7. There are significant differences between ELL programs in an elementary school environment and ELL program supports in middle and high school environments.
 8. HIDOE system level coordination and support is energetic, committed, but possibly underfunded.
 9. Data is often not easily publically accessible, nor well distributed and used among interested stakeholders.
 10. Coordination of the various layers, silos, programs, interests and stakeholder agencies is underdeveloped. Previous multiagency efforts at coordination have lost momentum. Direct planning or implementation connections between SPED programs, early education programs and ELL programs are spotty at best.
 11. There is disagreement within the legal community as to whether Hawaii is in full compliance with federal laws and court decisions, as well as the role of aggressive legal action in improving the existing programs.
 12. There is a programmatic and philosophical tension between the Civil Rights lens requiring efforts to promote competency in English vs. the multicultural lens of respect and support for cultures and students who bring with them the positive asset of literacy in another language.

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LATE

TESTIMONY IN STRONG SUPPORT OF HB 1740 HD 1
RELATING TO LANGUAGE ACCESS

House Committee on Finance

Feb. 20, 2014, 12:00 p.m., Hawai'i State Legislature, House Conference Room 308

To: Rep. Syliva Luke, Chair

Vice-Chairs: Rep. Aaron Ling Johanson, Rep. Scott Y. Nishimoto

House Finance Committee Members: Rep. Ty J.K. Cullen, Rep. Mark J. Hashem, Rep.

Kaniela Ing, Rep. Jo Jordan, Rep. Bertrand Kobayashi, Rep. Nicole E. Lowen, Rep. Dee

Morikawa, Rep. Richard H.K. Onishi, Rep. Gregg Takayama, Rep. James Kunane Tokioka,

Rep. Justin H. Woodson, Rep. Kyle T. Yamashita, Rep. Beth Fukumoto, Rep. Gene Ward

From: Rouel Velasco, Chair, National Federation of Filipino American Associations Region 12

My name is Rouel Velasco, Chair of the National Federation of Filipino American Associations Region 12. We strongly support this bill. Thanks to our Hawai'i State Legislature, Hawai'i has a progressive language access law that sets precedence for the rest of the nation in protecting the civil rights of individuals to access government services.

While NaFFAA Region 12 represents the interests of Filipinos in Hawai'i, Guam, and the Commonwealth of Northern Marianas Islands, we are also advocating for all of Hawai'i. This bill is needed to provide full funding for the Language Access Resource Center and a pilot multi-lingual website project, as approved in Act 217 last year. The security of our state is only as good as the security we provide for the most vulnerable among us, including linguistically isolated families and individuals.

NaFFAA Region XII is an affiliate of the National NaFFAA. Washington policy-makers, private industry and national advocacy groups recognize NaFFAA as the Voice of Filipinos and Filipino Americans throughout the United States. We are a non-partisan, non-profit national affiliation of more than five hundred Filipino-American institutions and umbrella organizations that span twelve regions throughout the continental United States and U.S. Pacific territories.

Thank you for hearing this bill and for your consideration of its passage.

Sincerely,

Rouel Velasco, Chair, NaFFAA Region 12



Hawai`i Friends for Civil Rights

Amy Agbayani, Co-Founder & President

c/o 3432 B2 Kalihi Street, Honolulu, HI 96819

LATE

**TESTIMONY IN STRONG SUPPORT OF HB 1740 HD 1
RELATING TO LANGUAGE ACCESS**

House Committee on Finance

Feb. 20, 2014, 12:00 p.m.

Hawai`i State Legislature, House Conference Room 308

To: Rep. Syliva Luke, Chair
Vice-Chairs: Rep. Aaron Ling Johanson, Rep. Scott Y. Nishimoto
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From: Amy Agbayani, Co-Founder and President of Hawai`i Friends of Civil Rights

As the co-founder and president of Hawai`i Friends of Civil Rights, I submit strong support for this bill. HFQR is a group dedicated to fulfilling the work of the late Dr. Martin Luther King, Jr. by addressing disparities and discrimination through the promotion of change agents for social justice through education, service and advocacy.

We urge you to kindly consider full funding for the Office of Language Access, in order for them to mitigate the costly human suffering and liability to state government agencies and state-funded services by establishing and operating the Language Access Resource Center and a pilot multi-lingual website project, as approved by the legislature in Act 217 in 2013.

Thank you for hearing this bill, and for the opportunity to offer our strong support in its passage.

Respectfully,

Amy Agbayani, Ph.D., Co-Founder and President, Hawai`i Friends of Civil Rights



Nursing Advocates & Mentors, Inc.

... a non-profit organization with a mission to address the global nursing shortage by providing guidance and assistance for nursing colleagues to obtain their professional license in nursing.

NAMI, P.O. Box 2034 Aiea, HI 96701
E-mail: bramosrazon@aol.com

LATE

TESTIMONY IN STRONG SUPPORT OF HB 1740 HD 1 RELATING TO LANGUAGE ACCESS

House Committee on Finance

Feb. 20, 2014, 12:00 p.m., Hawai'i State Legislature, House Conference Room 308

To: Rep. Syliva Luke, Chair

Vice-Chairs: Rep. Aaron Ling Johanson, Rep. Scott Y. Nishimoto

House Finance Committee Members: Rep. Ty J.K. Cullen, Rep. Mark J. Hashem, Rep. Kaniela Ing, Rep. Jo Jordan, Rep. Bertrand Kobayashi, Rep. Nicole E. Lowen, Rep. Dee Morikawa, Rep. Richard H.K. Onishi, Rep. Gregg Takayama, Rep. James Kunane Tokioka, Rep. Justin H. Woodson, Rep. Kyle T. Yamashita, Rep. Beth Fukumoto, Rep. Gene Ward

From: Beatrice Ramos-Razon, RN, FACDONA, President, Nursing Advocates and Menotrs, Inc.

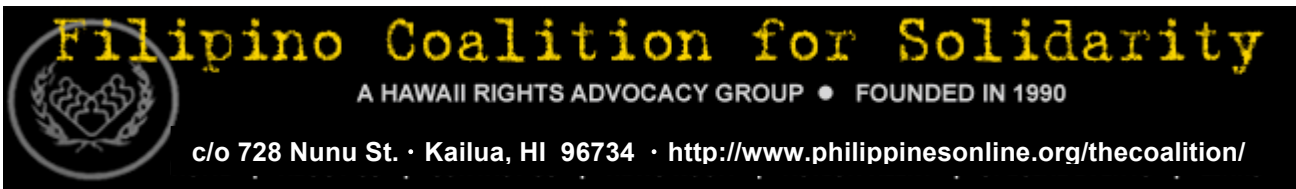
Thank you for hearing this important bill. My name is Beatrice Ramos Razon. As the founder and president of NAMI (Nursing Advocates & Mentors, Inc.), we are in strong support of this bill. NAMI's membership is comprised of over 75 volunteer nurses, instructors, allied health care professionals, and Filipino leaders, who are dedicated to improve the health of Hawai'i's people.

For the majority of our NAMI volunteer board of directors, volunteer nurse instructors, and mentors, English is not our first language. As nurses, we are in the business of saving lives and protecting the public health of all people in our state. We have daily examples, where our multi-lingual, multi-cultural skills provide critical access to health care and human services, saving the state much money in health care costs and more, due to preventing complications and empowering people, whose first language is not English, to be healthy, independent, and able bodied to work and be good stewards of our state's limited resources.

Given that, we urge you to consider full funding for the Office of Language Access, in order for them to do the same for Hawai'i's limited English proficient communities. In so doing, OLA will serve as a valuable asset to state government agencies and state-funded services through the Language Access Resource Center and a pilot multi-lingual website project, as approved by the legislature in Act 217 in 2013. Thank you for your kind consideration.

Sincerely,

Beatrice Ramos-Razon, RN, FACDONA, President, Nursing Advocates and Mentors, Inc.



TESTIMONY IN STRONG SUPPORT OF HB 1740 HD 1
RELATING TO LANGUAGE ACCESS

House Committee on Finance
Feb. 20, 2014, 12:00 p.m.
Hawai'i State Legislature, House Conference Room 308

LATE

To: Rep. Syliva Luke, Chair
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From: Charlene Cuaresma, MPH, President, Filipino Coalition For Solidarity

My name is Charlene Cuaresma. As past president of the Filipino Coalition for Solidarity, I want to express appreciation to you for hearing this important bill. The Coalition offers its strong support. Since its inception in 1990, the Coalition has represented more than 50 Filipino community leaders, whose aim is to work for social justice issues to empower Filipinos to make socially responsible contributions to Hawai'i and our global neighbors through education, advocacy, and social action.

I am submitting testimony in strong support of this bill to recognize the multi-lingual assets and multi-cultural climate of diversity that makes Hawai'i unique. Hawai'i leads the United States of America with the highest percentage of non-white people. The U.S. Census lists at least 25 categories of languages spoken in Hawai'i with a respective array of additional language sub-groups. Hawai'i ranks fourth in the nation for the greatest percentage of foreign-born residents by state. Filipinos comprised 61% of the State's immigrant groups, which is larger than all immigrant groups combined. According to the 2000 U.S. Census Bureau, 10 % of Filipinos were reported to be in linguistically isolated households in the Counties of Hawai'i, Honolulu and Kaua'i. Maui County reported 16% of linguistically isolated Filipino households. Filipinos reporting to be limited English proficient or speaks English less than very well were 16% in Hawai'i County, 23% in Honolulu County, 20% in Kaua'i County, and 30% in Maui County.

We understand and appreciate your fiduciary leadership, where dire economic conditions require all to tighten our belts. However, we cannot afford to not fully fund the Language Access Resource Center and a pilot multi-lingual website project, as approved in Act 217 last year. Language access to vulnerable, linguistically isolated communities is not only essential for emergency preparedness, but also because they comprise a sizeable and integral portion of Hawai'i's service industry work force, who also contribute as tax payers.

We ask that our lawmakers pass this bill to protect everyone's civil rights to communicate and to be understood in the transactions of our daily lives in our Aloha State. Thank you for the opportunity to provide this testimony.

Respectfully,

Charlene Cuaresma, MPH
Past President, Filipino Coalition for Solidarity



From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 20, 2014 2:40 AM
To: FINTestimony
Cc: DInocelda@msn.com
Subject: Submitted testimony for HB1740 on Feb 20, 2014 12:00PM

HB1740

Submitted on: 2/20/2014

Testimony for FIN on Feb 20, 2014 12:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dominic K. Inocelda	Individual	Support	No

Comments: As an individual who works closely with limited and non-English speakers, I can attest to the important work of the Office of Language Access. The website is a major step in connecting the general public and the interpreters and translators to ensure that Limited or Non-English speakers can effectively communicate with the government, public, and community persons. I fully support HB1740 HD1 and ask for your support of the bill. Dominic Inocelda

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



HAWAI‘I EDUCATIONAL POLICY CENTER TESTIMONY

Presented by Jim Shon, Director
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February 20, 2014

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Did You Know?

- Of the state's 1.2 million residents, more than 296,000 speak a language other than English at home. More than 134,000 additional residents speak English "less than very well."
- Languages in Hawaii with 1,000 speakers or more are Ilokano (27,077), Tagalog (26,418), Japanese (21,710), Mandarin/Cantonese (15,751), Korean (11,397), Spanish (7,384), Vietnamese (5,060), Chuukese/Marshallese (6,458), Samoan (3,334), Cebuano/Bisaya (2,137) and Hawaiian (1,292).

A recent Hawaii Department of Education report indicated there were 17,441 ELL students enrolled in public schools, representing approximately ten percent. However, certain complex areas (a high school and its feeder elementary and middle schools) are recording much higher percentages:

- Farrington Complex – 28%
- Kaimuki Complex – 24%
- McKinley Complex – 26%
- Waipahu Complex – 22%
- Kau Complex – 23%

One elementary school in Honolulu has a total enrollment of @ 600 students. Of that number, one-third are ELL students, or approximately thirty percent.

II. Legal Issues & Federal Obligations

There are two key Federal laws, and two court decisions based on them, that frame the obligations to serve English Language Learners in public education: the Equal Educational Opportunities Act of 1974, Title VI of the Civil Rights Act of 1964, and the decision in *Lau v. Nichols*, 414 U.S. 563 (1974).

The **Civil Rights Act of 1964** (Pub.L. 88–352, 78 Stat. 241, enacted July 2, 1964) is a landmark piece of [civil rights](#) legislation in the [United States](#)[1] that outlawed major forms of discrimination against racial, ethnic, national and religious minorities, and women.[2] It ended unequal application of voter registration requirements and [racial](#)

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segregation in schools, at the workplace and by facilities that served the general public (known as "public accommodations").

The Civil Rights Act and the Equal Opportunities Act define rights and obligations that every public school district must take seriously, especially one such as Hawaii with so many immigrants and ELL students in the public schools. In many cases, settlements require the allocation of more funds, personnel, and structural changes at the school level.

The case relied on Section 601 of the Civil Rights Act of 1964 and not the 14th amendment.

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=414&invol=563>

<http://cases.laws.com/lau-v-nichols>

What does Title VI of the Civil Rights Act of 1964 require for English-language learner students?

Federal law interpreted through several court decisions, requires programs that educate children with limited English proficiency to be:

- 1. based on a sound educational theory;
- 2. adequately supported, with adequate and effective staff and resources, so that the program has a realistic chance of success; and
- 3. periodically evaluated and, if necessary, revised.

III. Educational Issues

The Hawaii Department of Education reports its **Program Mission** is grounded in two federal laws: The Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f) (hereafter "EEOA"); and

Title VI of the 1964 Civil Rights Act, 20 U.S.C. § 2000d et seq., and its implementing regulations at 34 C.F.R. part 100 (hereafter collectively "Title VI")

The HODOE Mission Statement is as follows:

English Language Learners (ELLs) will meet state standards and develop English language proficiency in an environment where language and cultural assets are recognized as valuable resources to learning.

The HODOE goals of the ELL Program for all schools are to ensure that students will:

1. Acquire a level of English proficiency that will provide them with equal opportunities to succeed in the general education program.
2. Achieve the HODOE content standards and English language proficiency standards at levels to be able to exit the program.

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3. Possess the language, knowledge and skills to graduate and pursue post-secondary education and/or careers.
4. Develop an understanding of and appreciation for diverse cultures.

HIDOE Implementation of these goals include:

- Screener/Placement Test: W-APT™ given upon referral or arrival (World-Class Instructional Design and Assessment (WIDA)- ACCESS Placement Test) w/in 14 calendar days and entered into database.
- Annual Assessment for ALL ELLs in February: ACCESS for ELLs® (Assessing Comprehension and Communication in English State-to-State for English Language Learners).

HIDOE States that its first priority is English language skill development. The second priority is to prepare the students for the regular English-medium classroom. Language educators teach ELL classes. Students practice academic skills common to mainstream classes.

IV. Policy Analysis and Considerations

1. Improvements and additional funding for ELL and Immigrant support programs is not yet a significant priority for educational policy makers. There is general support for existing efforts, but no sense that more may be needed both for compliance with federal laws or effective strategies at the school or classroom levels.
2. Hawaii's Department of Education has established reasonable internal ELL goals, but the State Board of Education has not yet adopted formal policies. The Board's Strategic Plan does not identify as this as a priority, nor do recent initiatives (such as loading digital curricula on laptops or tablets) reflect opportunities to incorporate multi-language delivery systems.
3. There are questions as to the ability of Hawaii's public education institutions to address the needs of recent increases in non-English speaking immigrants from different cultural backgrounds. This is particularly true for recent

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- Pacific Island immigrants. It is estimated that 25% of all Hawaii residents speak a non-English language at home.
4. Educational researchers and leaders in ELL have developed a wide range of nuanced and comprehensive goals and criteria that can form the basis of a revitalized strategic plan to address the needs of ELL students and immigrants.
 5. HIDOE has incorporated the goal of reducing achievement gaps among ELL students (along with SPED and the financial needy) as one criterion for its HI STRIVE assessment program.
 6. It is not clear whether student achievement metrics will go beyond high stake testing in limited subjects, or how assessments under the Common Core will impact ELL and immigrant student assistance programs.
 7. There are significant differences between ELL programs in an elementary school environment and ELL program supports in middle and high school environments.
 8. HIDOE system level coordination and support is energetic, committed, but possibly underfunded.
 9. Data is often not easily publically accessible, nor well distributed and used among interested stakeholders.
 10. Coordination of the various layers, silos, programs, interests and stakeholder agencies is underdeveloped. Previous multiagency efforts at coordination have lost momentum. Direct planning or implementation connections between SPED programs, early education programs and ELL programs are spotty at best.
 11. There is disagreement within the legal community as to whether Hawaii is in full compliance with federal laws and court decisions, as well as the role of aggressive legal action in improving the existing programs.
 12. There is a programmatic and philosophical tension between the Civil Rights lens requiring efforts to promote competency in English vs. the multicultural lens of respect and support for cultures and students who bring with them the positive asset of literacy in another language.

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