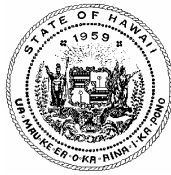


NEIL ABERCROMBIE
GOVERNOR



BARBARA A. KRIEG
DIRECTOR

LEILA A. KAGAWA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

February 19, 2013

**TESTIMONY TO THE
SENATE COMMITTEE ON WAYS AND MEANS**

For Hearing on Friday, February 22, 2013
9:00 a.m., Conference Room 211

BY

BARBARA A. KRIEG
DIRECTOR

Senate Bill No. 58 S.D. 1
Relating to Language Access

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON DAVID IGE AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide testimony on S.B. 58 S.D. 1.

The purpose of S.B. 58 S.D. 1 is to increase the accessibility to State of Hawaii Government services and information for those that have limited English proficiency by establishing a statewide Language Access Resource Center and multilingual website pilot project to be administered by the Office of Language Access.

The Department of Human Resources Development (DHRD) supports this bill.



CATHOLIC CHARITIES HAWAII

TO: Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
Committee on Ways and Means

FROM: Melba Bantay, Program Director
General Immigration Services

DATE: Friday, February 22, 2013 (Conference Rm. 211)

RE: **IN SUPPORT of SB 58, SD1, RELATING TO LANGUAGE ACCESS**

My name is Melba Bantay, Program Director of Catholic Charities Hawai'i's General Immigration Services. **Catholic Charities Hawai'i strongly supports Senate Bill 58, SD1.**

Catholic Charities Hawai'i has been providing services to immigrants and refugees for more than 30 years and has witnessed the struggles that our newly arrived neighbors go through to understand and navigate our system of government so that they can access the resources that they need. Language – the ability to speak, read and comprehend English is a major hurdle that many immigrants and refugees must overcome in order to successfully transition to life in Hawai'i.

Having a pool of qualified interpreters and translators would enable both public and private organizations to provide the necessary language access for available resources and services. In addition, having information available via website in multiple languages will support newly arrived immigrants and refugees to adjust successfully in our community.

Immigrants and refugees have been important contributing members of Hawai'i communities for more than 100 years. We cannot forget their sacrifices as workers in our plantations, when agriculture was our state's main industry. Today, immigrants and refugees continue to be a reliable workforce in Hawai'i hotels, restaurants, and other businesses that support our tourism industry. It is only right and just that these hard-working brothers and sisters of ours be provided the support they need to realize their dreams - to find new beginnings and provide better futures for themselves and their families. Senate Bill 58, SD1 will provide them that opportunity.

I ask for your support of Senate Bill 58, SD1. If you have any questions, please feel free to contact me at 527-4711 or via email at mbantay@catholiccharitieshawaii.org. Thank you for this opportunity to testify.





CONGRESS OF VISAYAN ORGANIZATIONS

99-1325 Aiea Heights Drive, Aiea, Hawaii 96701

To: Sen. David Y. Ige, Chair
Sen. Michelle N. Kidani, Vice Chair
Senate Committee on Ways and Means

From: Jane Clement, President

Date: February 22, 2013, 9:00 a.m.
State Capitol, Room 211

Re: Testimony on S.B. No. 58 SD1
Relating to Language Access

Thank you for the opportunity to submit testimony in support of S.B. No. 58 SD1, Relating to Language Access.

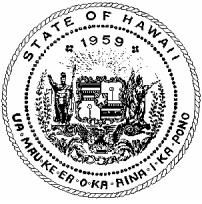
My name is Jane Clement and I am the president of the Congress of Visayan Organizations (COVO), the umbrella of Visayan organizations in the state of Hawaii. COVO strongly supports this bill, which would establish a language access resource center and a multilingual website in the Office of Language Access.

COVO has been very supportive of any opportunity that would promote and enhance language access in the State of Hawaii. We believe that establishing a language access resource center will not only lead to the growth and development of a badly-needed pool of qualified interpreters in the State but will also address the interpreter needs of State and state-funded agencies and the limited English proficient (LEP) population in general.

The establishment of a multilingual website will also enable LEP individuals to access information about government services and programs electronically and in their own language.

These twin proposals will lead to better customer service, promote equal access, and bring about greater participation by the LEP population in government services and programs.

We strongly urge the members of the committee to pass this bill.



HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 22, 2013
Rm. 211, 9:00 a.m.

To: The Honorable David Ige, Chair
Members of the Senate Committee on Ways and Means

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

Comments on S.B. No. 58, S.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 S.B. No. 58, S.D.1, which establishes a statewide language access resource center for state agencies and state-funded entities in OLA, and explores the feasibility of creating a multilingual website to provide online information about government services to limited English proficient (LEP) individuals. The HCRC supports this measure, provided that its passage does not replace or adversely impact priorities in the Executive Budget.

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 H.R.S. 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.

S.B. No. 58, S.D. 1 provides an appropriation 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.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF LANGUAGE ACCESS

830 PUNCHBOWL STREET, ROOM 322
HONOLULU, HAWAII 96813
www.hawaii.gov/labor/ola
Phone: (808) 586-8730 / Fax: (808) 586-8733
Email: ddir.ola@hawaii.gov

To: Sen. David Y. Ige, Chair
Sen. Michelle N. Kidani, Vice Chair
Senate Committee on Ways and Means

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

Date: February 22, 2013, 9:00 a.m.
State Capitol, Room 016

Re: Comments on S.B. No.58 S.D.1
Relating to Language Access

The Office of Language Access (“OLA”) appreciates the opportunity to offer comments to S.B. 58 S.D.1 Relating to Language Access. My name is Serafin Colmenares, Jr. and I am the Executive Director of OLA. **OLA strongly supports S.B. 58 S.D.1 with a few amendments** to ensure adequate funding to our office to execute these new duties.

S.B. 58 S.D.1 would create and provide appropriations for a Language Access Resource Center and a pilot multi-lingual website project within OLA to better serve the LEP population and assist state and state-funded agencies in complying with applicable federal and state language access laws.

SUGGESTED AMENDMENTS

Page 10, lines 10-12: "Section 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000 or so much thereof as may be necessary **annually** for fiscal ~~[year]~~ **years 2013-2014 and** 2014-2015 to . . ."

Page 10, lines 20-22: "Section 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$190,000 or so much thereof as may be necessary **annually** for fiscal ~~[year]~~ **years 2013-2014 and** 2014-2015 to . . ."

BACKGROUND

According to the United Census Bureau, American Community Survey Public Use Microdata Sample (PUMS) in 2009-2011 almost 24% of Hawaii's population speaks a language other than English at home; and approximately 151,187 residents of Hawaii are limited English proficient (LEP). According to the Immigration Policy Center of the American Immigration Council, approximately 18% of Hawaii's residents are foreign born, while 14% of Hawaii's children with immigrant parents are LEP.

Language barriers have prevented our LEP population from fully benefiting from essential government and government-funded services. These barriers have also prevented them from fully participating in and contributing to our community and living up to their potential.

To address this, the federal government, through Title VI of the 1964 Civil Rights Act, and President Clinton's Executive Order 13166, all federal agencies are directed to ensure that all programs receiving federal funds provide meaningful access to LEP persons. In 2006, the Hawaii State Legislature passed Act 290, (later re-codified by Act 201 Session Laws Hawaii 2012 into Hawaii Revised Statutes (H.R.S.) § 321C) which mirrored federal law, requiring that all state agencies and state-funded programs also provide meaningful access to services for LEP persons.

Over the years, since the inception of Hawaii's Language Access law and our office, OLA has identified three major challenges to agency compliance: (1) there is no comprehensive and centralized system or structure in Hawaii to identify qualified language interpreters and translators; (2) Hawaii has a dearth of competent language interpreters and translators available to assist LEP individuals – especially in certain languages; and (3) state agencies do not have multilingual websites that can help LEP persons access needed information in their own language.

As a point of fact, our office regularly receives calls from agencies and the public for information and referrals for available and qualified interpreters and translators – a function which we consistently serve but is not in our current legislative charge.

S.B. 58 S.D.1, with technical amendments and adequate funding, would create a Language Access Resource Center that would (1) maintain a publicly available roster of interpreters and translators with their qualifications and credentials; (2) train agencies on how to obtain and utilize their services; (3) support interpreter and translator recruitment and retention; (4) assist in their training; and (5) work toward identifying, creating, and promoting a testing and certifying process for them. This bill would also enable OLA to administer a pilot project to test the utility and feasibility of establishing a multilingual website.

This bill would benefit agencies, interpreters, translators, and the LEP population alike since it addresses the problem of supply and demand of interpreters; increases and improves the number and quality of language service providers; and provides Hawaii's LEP population a better means to access state and state-funded services.

A language access resource center and multilingual website will also enable the state to provide better customer service and promote equity and citizen participation in government services and programs.

Moreover, since many of our state and state-funded agencies also receive federal funding, this bill would assist them in complying with *both* federal and state language access law.

When our office was established in 2007, we had a staff of six, including myself as Executive Director. In 2009, budget cuts eliminated all of OLA's support staff and the office was left to function with my position alone. In 2012, two staff positions were restored; however, our ability to fully execute the current statutory duties of the office is still severely compromised. While OLA wholly supports S.B. 58 S.D.1, with amendments, we ask the legislature to ensure that adequate funding be provided so that this office can not only fulfill its current statutory obligations, but also those presented by this bill.

Thank you for the opportunity to provide these comments.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: cjuarez@hpu.edu
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Tuesday, February 19, 2013 3:11:11 PM

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Carlos Juarez	Individual	Support	No

Comments: I write to support the establishment of a Statewide Language Access Resource Center and Multilingual Website Pilot Project, as outlined in SB58 SD 1. Prof Carlos Juarez Hawaii Pacific University

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.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: cpaul@hawaii.edu
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Tuesday, February 19, 2013 5:00:31 PM
Attachments: [LANGUAGE ACCESS Testimony.doc](#)

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Paul M. Chandler	Individual	Support	No

Comments: In support of SB 58 SD1

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Dear Honorable Senators,

I am writing in support of the establishment of an Office of Language Access for the state of Hawaii. We have long needed such an institution to help our wonderfully diverse state population. At this time we are revamping our Center for Translation and Interpretation at the University of Hawaii at Manoa and we are truly excited about the opportunity to work together with state officials and our local population on their language needs. Thank you for all of the hard work you are doing during this important legislative session.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ginobennetti@gmail.com
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Tuesday, February 19, 2013 9:48:50 PM

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Gene Bennett	Individual	Support	No

Comments: I'd like to support SB58. Mahalo, Gene Bennett

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: hermanhstern@msn.com
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Tuesday, February 19, 2013 6:14:06 PM

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Herman H. Stern	Individual	Support	No

Comments: I support(s) bill SB58 SD1 - the establishment of a Language Access Resource Center!" We've got the numbers Let's make it happen!

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: hschap@yahoo.com
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Tuesday, February 19, 2013 3:50:35 PM

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Hildie Schap-Gil	Individual	Support	No

Comments: I support bill SB58 SD1 - the establishment of a Language Access Resource Center!

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: viana@hawaii.edu
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Tuesday, February 19, 2013 3:45:07 PM

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Viana	Individual	Support	No

Comments: I support bill SB58 SD1 - the establishment of a Language Access Resource Center.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mestralynne@aol.com
Subject: *Submitted testimony for SB58 on Feb 22, 2013 09:00AM*
Date: Tuesday, February 19, 2013 10:50:51 PM

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Lynne Gutierrez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mjcuevas@yahoo.com
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Tuesday, February 19, 2013 8:29:05 PM

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Millie Joan Cuevas	Individual	Support	No

Comments: I support bill SB58 SD1 - the establishment of a Language Access Resource Center!" I work for the DOD as a Licensed Clinical Social Worker providing therapeutic services for military families--some from Puerto Rico and other places where their primary language is Spanish and there are minimal resources to provide them access to resources in their language such as translators and forms in their language of origin. Please help support our military and local families with this center. Thank you!

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.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: nancylamiranda@gmail.com
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Thursday, February 21, 2013 7:27:17 AM

SB58

Submitted on: 2/21/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Miranda	Individual	Support	No

Comments: I am in support of this bill. It is important for all of Hawaii residents to feel comfortable and secure in understanding instances that will effect their lives from healthcare to law enforcement. The 14th amendment of the US Constitution is used as the basis for protection for citizens to due process and equal rights under the law. It reads no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." PLEASE APPROVE THIS BILL

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: rcruz@hawaiipublicradio.org
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Tuesday, February 19, 2013 3:38:16 PM

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Cruz	Individual	Comments Only	No

Comments: "I support bill SB58 SD1 - the establishment of a Language Access Resource Center!"

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: sahou@hawaii.edu
Subject: Submitted testimony for SB58 on Feb 22, 2013 09:00AM
Date: Tuesday, February 19, 2013 2:08:16 PM

SB58

Submitted on: 2/19/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Saho Uemura	Individual	Support	No

Comments: My name is Saho Uemura, a graduate student at University of Hawaii at Manoa, Myron B. Thompson school of social work. I'm currently working on practicum at Susannah Wesley Community Center in Kalihi. Through this internship, I have been learning bilingual care coordination for immigrants in the community, and I have seen that those limited English proficient (LEP) persons tend to be with less access to various social and/or medical services. Since English is second language for me, I may find myself as one of those LEP persons, and I can imagine how hard it would be if I could not find any appropriate language support that I need. Thus I strongly support SB 58 so that LEP citizens can be efficiently supported with equal access and rights in community.

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From: [Wayne Tanaka](#)
To: [WAM Testimony](#)
Subject: TESTIMONY for SB58 SD1
Date: Wednesday, February 20, 2013 6:17:18 PM

Aloha e Chair David Ige, Vice Chair Michelle Kidani, and members of the Senate Committee on Ways and Means,

Thank you very much for hearing this measure, and for providing me with the opportunity to testify in **STRONG SUPPORT** of SB58 SD1.

Language access laws are nothing new; however, their substantive implementation has been long delayed. It should be noted that under both federal and state law, recipients of state and federal funds are required to take steps ensuring language access for members of the population they serve. Unfortunately, as a former employee under the Department of Land and Natural Resources for 3 years, I witnessed first-hand how the failure to follow through on developing and implementing a language access plan, as required by state law, has:

1. Harmed our environment, by the failure to disseminate environmental protection laws in any language other than English;
2. Led to injustice, by the imposition of criminal records on individuals who had no notice of natural resource laws that they were caught violating; and
3. Resulted in the ongoing exclusion of many members of our community, residents like you and I, who simply were not able to participate in important planning processes for our natural and cultural resources.

I believe that this ongoing failure to address language access issues continues to further jeopardize the receipt of federal funds by not just the DLNR, but many other state agencies. Based on the nonresponsiveness of the DLNR civil rights compliance officer to my repeated concerns throughout the past 3 years, I believe that these problems are prevalent throughout the executive branch of our state government. I speak in support of this measure which will provide one step forward in meaningfully providing the substantive access to justice and civic participation that our laws purportedly assured many years ago that they would provide.

Promoting language access in general will:

1. Enrich our community, by allowing our multicultural communities to more fully contribute to our values, cultural awareness, and shared experiences;
2. Strengthen our economy, by providing jobs for interpreters as well as enabling their clients to contribute to our community with their full potential; and
3. Make Hawai'i a safer and more wholesome place to live, by ensuring that linguistically isolated and otherwise easily exploitable community members can know about and access the legal protections and services that our laws and policies seek to provide.

Accordingly I would like to voice my **STRONG SUPPORT** for this measure. Mahalo nui for the opportunity to testify.

LATE

Hawaii Interpreter Action Network
P. O. Box 236024
Honolulu, Hawaii 96823-3519

TO: Sen. David Y. Ige, Chair; Sen. Michelle N. Kidani, Vice-Chair
Members, Senate Committee on Ways & Means

FROM: M. Alohalani Boido, M. A., President, Hawaii Interpreter Action Network
Hawaii Judiciary Certified Court Interpreter (Tier 4)
Tel.: 946-2558, E-mail: boido@hawaii.edu

HEARING: Feb. 22, 2013, 9:00 a.m., Conf. Rm. 201

RE: **SUPPORT only with amendments, SB 58, Relating to Language Access**

Hawaii Interpreter Action Network (HIAN) is dedicated to representing Hawaii's interpreters. We work to elevate professional standards of competence and ethics, and to improve working conditions. If reworded, SB 58 SD 1 Section 3(8)(A) has the potential to be a major step forward. At present, it is regressive, deceptive, and harmful. Current wording:

- (1) Maintain a publicly available roster of language interpreters and translators, listing any of their qualifications and credentials;

The idea of **publishing a roster of unscreened, alleged bilinguals is appalling. No government entity in the USA publishes a roster of interpreters and translators unless the people on the roster have first met objective, test-based standards.** That is the only responsible road. Self-report of ability and credentials is unreliable. We don't let a person drive a car unless they've passed a written test of knowledge and a test of driving skill. Interpreting and translating for government entities and medical care can and should be the same way.

It is quick and easy to make a very big mess. Cleaning it up later will be costly in time, effort, and money. It is unlikely that the damage done to Limited-English Proficient (LEP) individuals will ever be undone. Section 3(8)(A) opens the door for OLA to put the weight of government approval behind misleading and deceptive "qualifications and credentials." Through that open door will come every fake, flake, fraud, and fast operator who wants to make a buck off the needs of our LEP population and tourists.

Prior to the certification program's implementation in 2007, the Judiciary essentially had an unscreened list. The current program forced out many incompetents, as well as a number of toxic, unscrupulous individuals. OLA's proposal will let them all back in. What a disaster.

The "twin professions" of interpretation¹ and translation only recognize those credentials based on passing a performance test of the skills necessary to carry out the tasks according to a minimum standard. Most of these credentials are called "certifications."²

¹ The current standard for interpretation services (under revision):
http://www.saludycultura.uji.es/archivos/ASTM_F2089-Stand_Guide_Lang_Interp_Services_%28EEUU%29.pdf.
For sale: <http://www.astm.org/Standards/F2089.htm>. ASTM International Standard F2575-06: Standard Guide for Quality Assurance in Translation, also available.

² There are also credentials that need some cloaking to protect the interpreter or translator. These are the result of training and testing by the U. S. Dept. of Defense, the FBI, etc. There are probably quite a few of these professionals in Hawaii, formerly employed in surveillance.

The nationally recognized certifications are:

1. Tests administered by a state, national, or international entity, such as US federal or state courts, the U. S. Dept. of State, the United Nations, European Parliament, etc.
2. Tests administered by a nationally recognized professional organization, such as the American Translators Association (ATA)³ or the National Association of Judiciary Interpreters and Translators (NAJIT)⁴ for spoken languages, or RID or state certifications for ASL. Now, for spoken language healthcare interpreters, we have the Certification Commission for Healthcare Interpreters (CCHI)⁵ or the National Board of Certification for Medical Interpreters (NBCMI).⁶ Both the CCHI and NBCMI tests have been approved by the National Commission for Certifying Agencies.⁷

We are concerned that people will be offering as credentials a bunch of stuff that is not based on passing a performance-based test, or where the standard for passing a test is extremely low, and therefore insufficient to merit confidence. Some people will be offering falsified “credentials” as well. OLA at present does not plan to verify credentials.

Some of the languages we need in Hawaii do not have certification tests in interpretation and/or translation available at present. However, there are tests to evaluate:

1. Written and/or oral proficiency in English (a minimum standard for virtually all)⁸, and
2. Written and/or oral proficiency in the Language Other Than English (LOTE).⁹
3. There are companies which offer low-level proficiency testing for interpreters and translators.¹⁰

To be placed on a public roster, a person should at a minimum:

- Hold a nationally recognized certification or license, or
- Go through training on ethics, procedure, and skills,¹¹ and
- Pass a written and/or oral proficiency test in English and the LOTE,¹² and¹³
- Pass a written test on the applicable Code of Ethics, and
- Pass a criminal history background check.
- Healthcare interpreters should have a current, negative TB test.

Placement on a public roster must be based on passing tests. Anything less is irresponsible.

³ http://www.atanet.org/certification/aboutcert_overview.php

⁴ <http://www.najit.org/>

⁵ <http://www.healthcareinterpretercertification.org/>

⁶ <http://www.certifiedmedicalinterpreters.org/>

⁷ <http://www.credentialingexcellence.org/ncca>

⁸ There are limited circumstances where an interpreter or translator does not need to know English—when working as part of a relay team. Relays are used for situations where a person may speak a language of extremely limited diffusion, such as an indigenous language of the Americas. The first interpreter might work from the indigenous language to Spanish, and the second interpreter from Spanish to English. In Hawaii, one interpreter might work from Tahitian to French, and another from French to English.

⁹ Some testing agencies: ALTA <http://www.altalang.com/language-testing/government.html>, <http://www.altalang.com/language-testing/qualified-bilingual-staff.html>; LTI <http://www.languagetesting.com/>; Versant <http://www.versanttest.com/>.

¹⁰ The Hawaii Judiciary is already using the tests given by one of these companies. <http://www.lionbridge.com/>

¹¹ The Hawaii Judiciary requires 16 hours of training as part of their certification program. Nationally there is agreement that healthcare interpreters should have a minimum of 40 hours of training.

¹² For a few languages, a test of proficiency in the LOTE may not yet be available. However, these can and should be developed for languages in significant demand in Hawaii.

¹³ Written proficiency for translators, oral proficiency for interpreters.

HIAN suggests that Section (3)(8) be amended as follows:

(A) Maintain a publicly available roster of language interpreters and translators, listing any certifications and/or licenses ~~their qualifications and credentials;~~

(E) Work toward official statewide recognition of nationally and internationally recognized professional credentials for bilinguals, interpreters, and translators, and to develop and cooperate in the development of scientifically valid, legally defensible, performance-based, objective, criterion-referenced¹⁴ certification examinations for bilinguals, interpreters and translators to ensure the quality and accuracy of their services.”

Performance-based certification examinations already exist in a number of language pairs, and should be recognized by the State of Hawaii. If and when Hawaii creates its own tests, these tests must ensure the quality and accuracy of interpretation and translation services. That is why we feel it is necessary to specify the types of examinations to be developed, that is, “scientifically valid, legally defensible, performance-based, objective, criterion-referenced...”

We added “cooperate in the development of” because, for languages of lesser diffusion with large populations in Hawaii, i.e. Micronesian and some others, Hawaii could pool resources with other states in the development of examinations for those languages. The Hawaii Judiciary already did this for the oral exams in Chuukese and Marshallese.

About the “...dearth of competent language interpreters and translators available...”—should I laugh or weep? This bill as currently worded will only make things worse.

Most people need to earn a living. Hawaii is a near-perfect storm of practices that make it virtually impossible for a competent interpreter or translator to earn a living.¹⁵ Publishing a deceptive roster of unscreened, untested, alleged bilinguals, interpreters, and translators will only make things far, far worse. Nor will Hawaii’s LEP residents and tourists be well served.

For years I have watched helplessly as ethical, competent practitioners have been driven to take work in other fields. They will not come back—they have told me so. Hawaii does have people with the potential to develop into competent practitioners. They just don’t have any financial incentives to do so. Why should an ethical, competent person have to compete on equal terms with non-professionals? We don’t allow this in other professions.

Pass this bill as currently worded, and you will be throwing away another generation of talent. OLA will flood Hawaii with unscreened people. That would be a giant step backwards after the progress made by the Judiciary’s certification program.

We are attaching supplemental materials on testing *for information purposes only*. They come from a specific company. We are not recommending for or against this company.

We ask you to support SB 58, with our proposed amendments. Thank you.

¹⁴ “Criterion-referenced” means graded on a standard, not on a curve.

¹⁵ The only thing that stops it from being a perfect storm is that after years of HIAN’s lobbying, with strong support from the immigrant advocacy community here, and a push from the Legislature, the Hawaii Judiciary *finally* implemented a certification program in 2007. That was 10 years after obtaining access to the necessary tests.



Validation Overview

In producing a valid assessment, ALTA follows a 9-step process, whereby each step contributes to the overall validity of the exam. Figure 1 illustrates this validation cycle, and each step is described below:

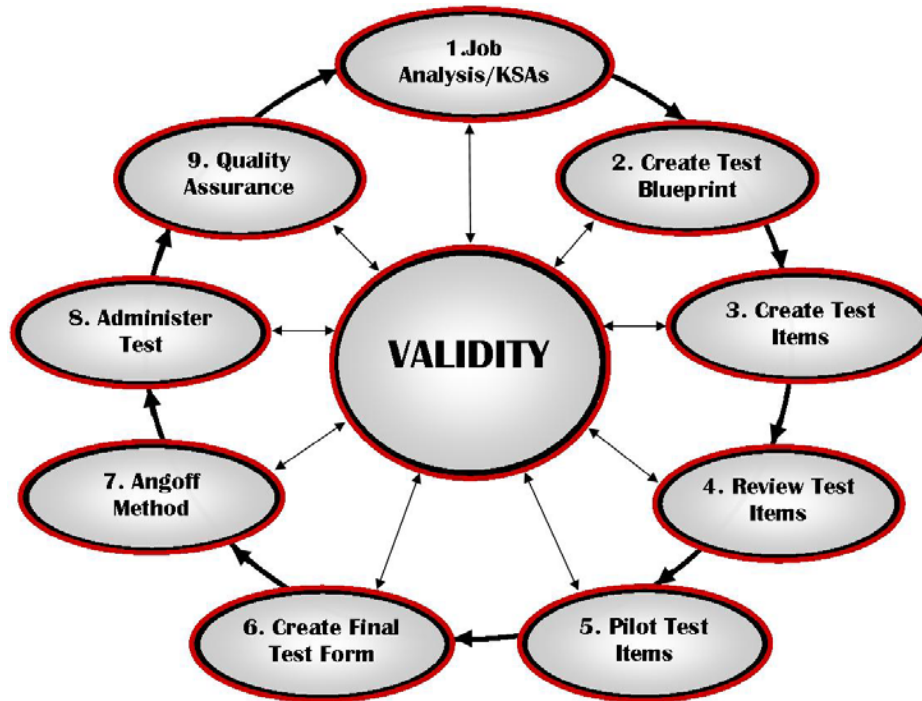


Figure 1: Validation Cycle

- 1. Job Analysis/KSAs:** The first step in test development is to identify the knowledge, skills, and abilities (KSAs) that the test will be designed to measure. For tests that are designed to qualify an individual to perform a specific job, these KSAs are identified through the performance of a job study in which individuals knowledgeable of what the job entails – or, subject-matter experts (SMEs) – are interviewed to collect this information. The identification of KSAs is a crucial step in providing focus to the development efforts that follow. An alternative method is to define the performance level of the test, and identify the elements of proficiency that represent that performance level.
- 2. Create Test Blueprint:** The test blueprint is created based on the KSAs or performance level identified. The blueprint specifies to the test developer the content that will be included in the test, the amount of content in each skill area, and any other instructions needed to properly develop the content. Using the blueprint as a guide, test developers are engaged to create the actual test items.



3. **Create Test Items:** Item development is carried out according to the specifications outlined in the test blueprint. More than the ample amount of test items are created to allow for the possibility that some of the items will need to be eliminated based on pilot-testing and item analysis results.
4. **Review Test Items:** All test items are submitted to a separate panel for review and comment. This panel reviews each test item and verifies that each aligns with the specifications as outlined in the test blueprint. Any need for modification is recorded, and comments are provided to the developers so that the appropriate changes can be made. This review process is repeated for any changes that are made until the pilot version of the test is complete.
5. **Pilot Test Items:** Once the final draft version has been reviewed and approved by test developers and the review panel, the items are pilot-tested to gather data around item performance. Pilot testing is done using a sample of candidates representative of the target population. Following the pilot-testing, psychometric analysis is performed on the results to determine the test's performance.
6. **Create Final Test Form:** Results from the statistical analysis yield the items that will constitute the final test form, and these items are assembled into the operational version of the test.
7. **Standard-Setting:** Using the final test versions, a panel is assembled to determine the cut-score of the test, or the percentage of correctly-answered items that the candidate needs to successfully pass the test. Although various standard-setting methods exist, ALTA typically uses the Angoff method, which relies on the judgments of the panel as to the percentage of minimally-qualified candidates who would perform successfully on each item.
8. **Administer Test:** Upon determining the cut-scores for the final test versions, the tests are available for operational use and are administered according to the operational policies set up by the test administrator using a prescribed scoring rubric.
9. **Quality Assurance:** Quality assurance is performed continuously to ensure that the items are performing properly over time. Quality assurance also provides a method for monitoring overexposure and identifying items which may have been compromised.

It is important to note that validation is a cycle, the testing organizations should continue reviewing the test and collecting evidence of the test's validity. At various points in the lifetime of a test, each step may be revisited for review and/or revision.



Description of Test Types

Speaking and Listening (Live): For this test, the candidate is connected via telephone to a live evaluator who is a native speaker of the target language. After verifying the candidate's identity, the evaluator will conduct the test, which consists of a series of questions that are designed to elicit the full range of the candidate's ability to use the target language verbally, and to identify what the candidate can do with the language (through performance of various tasks such as giving a description, talking about a hypothetical event, providing an opinion, etc.), as well as how well the candidate uses and controls the language in terms of its mechanics (ex: grammatical structures, vocabulary). At the end of the test, the candidate is instructed to hang up. The evaluator scores the performance based on the subcategories of communication, comprehension, grammar and vocabulary, and an overall score is assigned on the ILR scale. This score along with comments is sent to you or your administrator the following business day. The cost of the test is \$60.

Speaking and Listening (IVR): In 2007, ALTA launched a project to deliver its assessments via an automated, interactive voice response (IVR) system. This system was aimed at expanding our clients' availability to oral language testing services to a 24x7 basis and reducing clients' scheduling time. The IVR system of assessments allows clients to register their candidates through an online system, and generate access codes for their candidates to enter when calling for their test. By entering this access code, candidates are able to access test content, which is delivered automatically. The questions follow the same delivery format as in ALTA's current system of oral assessments conducted live with an evaluator. One question is selected at random from a pool of similar questions, focusing on a particular linguistic task (e.g. narrating in the past tense), and the recorded question is played for the candidate. The candidate is given a specific period of time to respond to the question posed, and the response is digitally recorded. This sequence continues for the remainder of the test, or until all questions have been delivered to the candidate. The candidate is instructed to hang up the phone, at which point the file containing the questions and the responses is sent to a human evaluator for scoring. The evaluator scores the candidate's performance according to the ILR performance scale. The results are returned to the client the following business day. The cost of the test is \$50.

Writing Proficiency: This test is downloaded from the testing portal along with proctoring instructions. It must be administered on site. The test consists of five requests for a written response in the target language. The written test requires the candidate to demonstrate what he or she can do with the language in its written form through the performance of various tasks (writing a letter, giving an opinion, describing a rule or procedure), as well as how well he or she uses and controls the language (ex: grammatical structures, spelling/character selection). The candidate simply writes his or her response to each question in the space provided. At the end of the test, it is collected and sent back to ALTA for scoring. The evaluator scores the writing based on expression, understanding of the given topics, grammar, vocabulary and spelling, and an overall score is assigned. This score along with comments is sent to you or your administrator within two business days. The cost of the test is \$60.

Multiple Level Reading Test: Reading comprehension tests are available through our online application, and consist of a selection of passages, each followed by a series of questions about the passage in a multiple-choice format. The Level 8-10 reading comprehension test developed by ALTA consists of 8 passages and 25 multiple-choice questions. Each question adheres to an objective that targets a specific reading skill: understanding the main idea of a text, understanding a stated detail, understanding an implied detail, or making an inference. ALTA's development team determined these objectives by performing a close reading of the ILR reading skill-level



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descriptors and honing a list of the important knowledge, skills, and abilities for each of the levels on the test. The candidate simply reads the passages and marks his or her selection for each question. When finished, the candidate clicks the "Submit" button at the bottom of the screen to record his or her answers. The system automatically scores the test on a percentage basis (number of correct answers out of total possible correct) and assigns a corresponding ILR or ALTA performance level. The administrator can immediately view the candidate's score and interpret performance based on the overall score for the test. The cost of this test is \$30.

Translation Test: This test is downloaded from the testing portal along with proctoring instructions.. The tests consist of 2 passages, which the candidate must translate into the target language within the allotted timeframe (no more that one hour). The translations, along with the time taken to complete the tests, are sent to ALTA for scoring. Performance is judged based on accuracy, grammar, spelling (or character selection), expression and speed, and an overall score is assigned. This score along with comments is sent to you or your administrator within two business days. The cost of the test is \$60.

Interpretation Test: ALTA's interpretation test is customized for the client. It is administered via telephone and consists of a consecutive interpretation dialogue. The roles of the speakers are played by the native English-speaking evaluator and native Target Language-speaking evaluator, respectively. The candidate listens to each segment of dialogue and provides the interpretation after each (each segment is 40 words or less). The English evaluator scores the English responses and the Target Language evaluator scores the Target Language responses according to a set of objective and subjective scoring criteria. Objective criteria include a selection of scoring units that the candidate must render correctly to score a point. Subjective criteria include overall language use and accuracy. At the end of the test, the candidate is scored according to the overall percentage of objective units correct and the holistic performance. This score along with comments is sent to you or your administrator the following business day. The cost of this test is \$100 per candidate.



Quality Assurance and Reliability

Reliability is the extent to which a test is repeatable and yields consistent scores. All measurement procedures have the potential for error, so the aim is to minimize it. In the language testing market where tests are performed and evaluated by independent raters, the testing providers have to concern themselves with inter-rater reliability, or the degree to which two evaluators would rate a candidate's performance the same.

To maintain a high inter-rater reliability, ALTA follows several steps. First, training is implemented. Each of ALTA's evaluators is trained using an extensive library of recorded audio sessions of real evaluations from ALTA's archive of oral language evaluations. Potential evaluators are trained on ALTA's scoring criteria, and are then required to rate actual evaluations. Scores (subcategory and overall) are reviewed against the original scores and discrepancies are discussed and resolved. The evaluator continues this training until scoring is provided accurately and consistency.

Once the evaluator has successfully completed this training, he or she is approved to administer and rate live evaluations. During the initial period, 100% of his or her evaluations are pulled for score reviews using an independent evaluator to collect inter-rater reliability data and to ensure accuracy. Once the accuracy has been established, ALTA moves to its standard quality assurance process. Ongoing training is also offered to ALTA's evaluators. These standardization, or "norming," sessions are designed to ensure that raters continue to interpret the scoring criteria the same, and that their scoring does not become stricter or more lenient over time.

To maintain the highest quality assurance, ALTA has a specific review procedure to monitor our evaluator's reliability, to collect inter-rater reliability data, and to ensure that the criteria are being applied consistently. ALTA also implements this review procedure on a case-by-case basis for the following reasons:

1. The scores in each subcategory (Communication, Comprehension, Grammar and Vocabulary) are not consistent with the overall score.
2. The evaluator was trained recently.
3. The scores appear out of range for a particular client (e.g. a low score for a client whose candidates typically score high).
4. To cross-match between languages: a candidate should be fluent in at least one language.
5. The candidate's score was borderline for that client's passing level.
6. There has been a radical change in a candidate's scores versus those received in a previous test.
7. The evaluator is on watch for any internal reason.
8. To ensure that evaluators perform the tests with professionalism and according to our test administration requirements.



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Any time differences between the score reviews and the initial evaluator's scores are found, these differences are resolved and a revised score is sent to the client. Reviews also allow ALTA to recognize opportunities for training or improvements, and implement them accordingly.

Due to its quality assurance process, ALTA maintains an average inter-rater reliability of 0.86 and above, where a 0 = no correlation and 1= a perfect correlation. A correlation of 0.70 and higher is considered an acceptable standard in the industry. By continuously monitoring its raters' performance, ALTA's reliability exceeds industry standards.