



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
**OFFICE OF LANGUAGE ACCESS**

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To: Rep. Sylvia Luke, Chair House Committee on Finance  
Rep. Scott Y. Nishimoto, Vice Chair House Committee on Finance

From: Helena Manzano  
Executive Director, Office of Language Access

Date: March 2, 2016, 11:00 a.m.  
State Capitol, Room 308

Re: Testimony on H.B. 2226 H.D.2- Relating to the Office of Language Access

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The Office of Language Access (“OLA”) appreciates the opportunity to testify on H.B. 2226 HD 2 Relating to the Office of Language Access. My name is Helena Manzano, OLA’s Executive Director since February 2015. OLA **strongly supports the intent** of H.B. 2226 HD 2, which provides the funding needed to restore the original staffing, functions, and operations of the office as was intended by the legislature when Hawaii’s Language Access law and this office was established by statute in 2006.

The purpose of OLA’s enabling statute (Hawaii Revised Statutes 321C) is to address the language access needs of limited English Proficient (LEP) persons and ensure their meaningful access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other state-funded agencies (including the counties). Under this law, OLA is charged with providing oversight, central coordination, and technical assistance to all state and state-funded agencies in their implementation of language access compliance – now a civil right under both state and federal law.

When OLA was created nearly 10 years ago, the office’s staff of six was able to provide much needed services and guidance to agencies as they worked toward compliance with not only state language access law, but with federal regulations as well. When the 2009 Reduction-In-Force brought OLA’s staff down to one, so too did the degree of compliance. The office eventually received enough funds to restore two of the five lost positions in 2012. However, OLA continues to lack the manpower needed to provide adequate technical assistance and compliance monitoring that meet agencies’ needs since OLA has continued to operate with half the staffing as originally intended by the 2006 legislature.

Moreover, in 2013, Act 217 added additional responsibilities to the office by creating a language access resource center and a multi-lingual website pilot project. Act 217 contemplated five additional staff; however, the appropriation in that measure, and delayed release thereof, was inadequate to timely and effectively staff and operate these additional programs. This has greatly increased the office’s workload without sufficient resources to support these new functions – leaving the execution of both LARC and OLA functions – work intended for 11 staff members, on the shoulders of just three: an executive director, a legal analyst, and a secretary.

In the last few years, we have seen a marked increase in expensive and time-consuming legal action and compliance monitoring of our state agencies from civil rights divisions of various federal

agencies. For example, last May, our State Department of Transportation settled a federal class action suit claiming that Hawaii violated language access law by failing to provide translations of our drivers' license exam in a manner that constituted intentional discrimination. At least three other major state departments have also been sued, investigated, and/or monitored by federal agencies for lack of compliance.

Our observations and discussions with these agencies indicate how important and cost-effective it is for them to be proactive with OLA's assistance. Once the federal authorities begin to monitor and scrutinize an agency's language access efforts, many of our state agencies find they lose much of their control over time, resources, and manner of administration in favor of how 'the feds' believe they should conduct business. (For example, it took nearly eight years for Hawaii's Department of Human Services to finalize its resolution agreement with the U.S. Department of Health and Human Services – Office for Civil Rights in response to their investigation of a language access complaint.)

Our county agencies, who are bound by our language access law as "covered entities", have also been subject to legal action and compliance monitoring by the federal authorities. Most recently, language access was an important feature of a law suit by the ACLU against the City and County of Honolulu for its alleged failure to provide adequate notice about the storage and destruction of the property of the homeless - a significant proportion of which are LEP.

Needless to say, there is much work for OLA to do to assist our state and state-funded agencies in understanding and meeting its civil rights obligations to provide language access. The office intends to have enough staff and operational capacity to work effectively and proactively with our agencies in implementing their language access efforts and complying with its federal and state civil rights obligations. With our assistance, we hope the state and state-funded agencies can avoid costly penalties and expense through so-called "voluntary compliance" or lost federal funding.

### **BACKGROUND ON THE CIVIL RIGHT TO LANGUAGE ACCESS**

Title VI of the Civil Rights Act of 1964 prohibits discrimination by federal and federally-funded agencies on the basis of national origin, race or color. If an agency is found in violation of Title VI, that agency may lose its federal funding. This civil rights obligation applies to a significant proportion of our state and county agencies, as well as non-profits.

Executive Order 13166 by President Clinton in 2000 specifically reinforced and emphasized the nondiscrimination provisions of Title VI; and sought to apply related case law which held that discrimination by federal or federally-funded agencies against those with limited English proficiency constitutes national origin discrimination. With its related regulatory guidance, Executive Order 13166 directed federal agencies to develop and implement a system by which LEP persons could meaningfully access an agency's services.

Hawaii's language access law - passed in 2006 and codified under HRS 321C - directly reflects the principles, directives, and recommendations of Title VI, Executive Order 13166, and related regulations; requiring even more from state and state-funded agencies.

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



March 2, 2016, 11am

TO: Chair Luke, Vice Chair Nishimoto and members of the Finance Committee

FROM: Amy Agbayani, Co-chair Hawaii Friends of Civil Rights

RE: HB 2226 hd2 Relating to the Office of Language Access

I am representing the Hawai'i Friends of Civil Rights (HF CR) in support of hb2226 hd2 which provides funds and positions for the Office of Language Access. HF CR supports policies, programs and individuals who are committed to state and federal laws relating to equal rights and non-discrimination. We see language access as a civil rights issue for our multilingual community.

HF CR strongly supports hb 2226, hd2 which will provide positions and funds to effectively implement the state and federal mandates for equal access. It is necessary to have competent staff to provide services to support state agencies provide access to their services. This will allow Hawaii community members whose first language is not English to access state and other services and help them fully participate fully. With additional staff, state and other needed services will become accessible and will help these residents, many of whom are low-income and seeking to improve their education and employment skills.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 5:44 PM  
**To:** FINTestimony  
**Cc:** tinatakashy@hotmail.com  
**Subject:** Submitted testimony for HB2226 on Mar 2, 2016 11:00AM

**HB2226**

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tina Takashy	Freely Associated States Empowerment	Support	No

Comments: Freely Associated States Empowerment fully support HB2226 to restore OLA's personnel funding lost in 2009 due to RIF. OLA can be more efficient and effective in carrying out its implementation and technical assistance mandated by Hawaii State Language Access Law.

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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# HAWAII FILIPINO LAWYERS ASSOCIATION

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Rebecca Gardner  
Ashley Labasan  
Jeanilou Maschhoff  
Alana Peacott-Ricardos  
Wayne Scott  
Radji Tolentino

Date: March 2, 2016

To: Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair  
House Committee on Finance

Re: Testimony on H.B. 2226 HD2 - Relating to the Office of Language Access

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The Hawaii Filipino Lawyers Association (HFLA) appreciates the opportunity to submit this testimony in **strong support of HB2226 HD2** relating to the Office of Language Access.

This bill would help ensure our state's compliance with civil rights laws by providing the funds to adequately staff and operate the Office of Language Access (OLA), as this has been a challenge since the office was stripped of the majority of its resources during the budget cuts and reduction-in-force during the financial crisis in 2009.

We are also excited about the new leadership at the helm of OLA and its concerted focus on civil rights compliance across all branches of government.

Among one of the purposes of the HFLA is to advocate for the interests of the Filipino community in Hawaii. A significant proportion of those with limited English proficiency in Hawaii are Filipino; and our membership would like to ensure that their access to government and government-funded services is not hindered by language.

Moreover, as attorneys, we think it is essential that our state is compliant with the civil rights laws that prohibit discrimination based on language ability due to national origin. We understand that failure to follow the law in this area may mean a reduction or removal of federal funds to services that are essential to Hawaii's Filipino community.

Thank you for this opportunity to testify on this measure in support.

*The purposes of the HFLA are: to promote participation in the legal community by Filipino lawyers; to represent and to advocate the interests of Filipino lawyers and their communities; to foster the exchange of ideas and information among and between HFLA members and other members of the legal profession, the Judiciary and the legal community; to encourage and promote the professional growth of the HFLA membership; to facilitate client referrals and to broaden professional opportunities for Filipino lawyers and law students.*

# FILIPINOS FOR AFFIRMATIVE ACTION

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P.O. Box 61626· Honolulu, HI 96839

## TESTIMONY IN STRONG SUPPORT OF HB2226 HD2

Submitted to  
House Committee on Finance  
Hawai`i State Capitol, Room 308  
March 2, 2016, 11:00 am

**TO:** Chair Sylvia Luke, Vice Chair Scott Nishimoto, and Members of the House Committee on Finance

**FR:** Agnes Malate, Board Member  
Filipinos for Affirmative Action

**RE: IN SUPPORT OF HB2226 HD2 RELATING TO OFFICE OF LANGUAGE ACCESS**

My name is Agnes Malate. As a Board Member of the Filipinos for Affirmative Action (FFAA) I am in full support of HB 2226 HD2 to establish three full-time equivalent (3.0 FTE) permanent positions within the Office of Language Access (OLA).

First of all, I would like to thank the Legislature in having the foresight to establish the Office of Language Access (OLA) ten years ago. OLA serves an important role in providing equal access to services offered by state and state-funded agencies for persons who have limited proficiency in English. FFAA supported the passage of Hawai`i's Language Access Act in 2006, which was a major milestone in decades long efforts by numerous agencies and community groups who have advocated for limited English proficient individuals to have equal access to state and government services, programs, and activities.

In 2009, OLA's staff was reduced from six to five, retaining only the executive director position. Since then two positions have been restored in 2013, however, three critical positions remain vacant. As a result, OLA has not been able to fully meet its original statutorily-mandated charge to ensure that state agencies are in compliance and to provide technical assistance. Numerous state agencies have been unable to implement key components of their language access plans due to lack of oversight and technical assistance. Funding the three positions is necessary to support operational costs to monitor, review, and assist agencies in complying with language access requirements. Further delay in filling these positions could result in greater cost to the State in the long-term if agencies are found noncompliant.

I urge you to preserve the intent of the Language Access Act and ensure that OLA continues to fulfill its vital role. Thank you for the opportunity to provide testimony on this bill and for the Legislators' continued support of the Office of Language Access.

## Legislative Testimony

**To: Representative Sylvia Luke, Chair; Representative Scott Nishimoto, Vice-Chair,  
Finance Committee**

**From: Terrina Wong**

**Date: March 2, 2016, 11:00 a.m. State Capitol, Room 308**

**Re: Testimony on HB 2226 Relating to Office of Language Access and appropriating funds  
for three full-time equivalent permanent positions within the Office of Language Access**

As a concerned citizen and professional who works daily with limited-English proficient persons (LEPs) in our community and as an ESL teacher, I appreciate this opportunity to submit testimony in strong support of HB 2226.

LEPs represent one of the key disenfranchised groups in our community. I am keenly aware that language access represents one of the most daunting challenges that underscore civil rights, social justice and health issues. Given that approximately 1 out of every 5 persons in our community is foreign-born, language access is a compelling issue of great magnitude.

We are deeply grateful for the existence of the Office of Language Access (OLA). Community stakeholders such as government agencies, health entities, law enforcement, interpreters and translators, and non-profits dedicated to working with immigrants and refugees need the work and support of OLA.

As someone who works with and supports LEPs in the community, I have first-hand knowledge of the time and effort it takes to assist these individuals in navigating key systems (governmental, medical, and educational to name a few) that are instrumental to their well-being and their successful transition into our community.

I strongly support HB 2226, which seeks to increase the current staffing of the Office of Language Access with the addition of three additional staff persons. This action will be very cost-effective in minimizing social costs related to language access problems in all aspects of our community.

The passage of this bill will support the OLA office and strengthen language access for the community in Hawai'i.

Mahalo for this opportunity to submit testimony in support of HB 2226.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 29, 2016 9:57 PM  
**To:** FINTestimony  
**Cc:** hidina@msn.com  
**Subject:** Submitted testimony for HB2226 on Mar 2, 2016 11:00AM

**HB2226**

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dina R Yoshimi	Individual	Support	No

Comments: Over the past three years, I have become very familiar with the exceptional work OLA undertakes to support the development of language access plans for State agencies, monitor compliance with State and federal civil rights laws regarding language access, and educate all sectors of the State -- legal and medical personnel, interpreters/translators, etc. -- regarding requirements for federal compliance and, most critically, updates on changes in best practices, which are constantly under review and revision by federal agencies. Through their Herculean efforts, this essential work has been carried out by the current staff of three employees -- three employees to supervise the civil rights compliance of an entire state, where one in four residents speaks a language other than English at home. These numbers don't add up in any language. Supporting this bill will make a difference statewide, both for those who work with and provide services to our multilingual population, and for those who depend on meaningful and effective language access plans, and well informed State workers, to provide critical services. Thank you for your careful consideration of and support for this most important bill.

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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## *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](mailto:bramosrazon@aol.com)

**LATE**

Testimony in Strong Support of HB 2226 HD2  
House Committee on Finance  
Hawai'i State Capitol, Room 308  
March 2, 11:00 a.m.

To: Rep. Sylvia Luke, Chair & Rep. Scott Nishimoto, Vice Chair and  
Members of the House Committee on Finance, Hawai'i State Legislature

From: Jake Manegdeg, President, Filipino American Citizens League

Report Title: Office of Language Access; Employee Positions; Appropriation (\$)

Description: Appropriates funds for three full-time equivalent permanent positions within the Office of Language Access. (HB2226 HD2)

My name is Beatrice Ramos-Razon. As the founder and president of NAMI (Nursing Advocates & Mentors, Inc.), I am proud to submit our strong support for 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 through education, mentoring, advocacy and service.

NAMI actively advocated for Hawaii's Language Access bill in 2006. Funding of these three positions will support state offices to carry out provisions of Title VI. This is important because income inequality during these austere times makes access to government services even more critical to keep vulnerable communities and individuals afloat.

Thank you for this opportunity to testify and for hearing these bills.

Sincerely,

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



**LATE**

Testimony in Strong Support of HB 2226 HD2  
House Committee on Finance  
Hawai`i State Capitol, Room 308  
March 2, 11:00 a.m.

To: Rep. Sylvia Luke, Chair & Rep. Scott Nishimoto, Vice Chair and  
Members of the House Committee on Finance, Hawai`i State Legislature

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

Report Title: Office of Language Access; Employee Positions; Appropriation (\$)  
Description: Appropriates funds for three full-time equivalent permanent positions within the  
Office of Language Access. (HB2226 HD2)

My name is Rouel Velasco. As Chair of the National Federation of Filipino American Associations Region 12, I strongly support this bill.

NaFFAA represents the interests of Filipinos in Hawai`i, Guam, and the Commonwealth of Northern Marianas Islands. 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.

I commend the Office of Language Access, OLA volunteer Advisory Council Members, and the many partners in the public and private sector who have worked collaboratively and persistently to build the state's capacity and infrastructure for language access to vital human services during severe budget shortages. It is time to re-instate staff positions in order to maintain and build upon the progress made.

Thank you for hearing this bill and for the opportunity to submit testimony in strong support of language access. All of Hawai`i's people will benefit when the most vulnerable of our family and friends are assisted to fully engage in caring for themselves, their families, and communities.

Sincerely,  
Rouel Velasco, Chair, NaFFAA Region 12

# Filipino American Citizens League

Jake Manegdeg, President  
P. O. Box 270126 ★ Honolulu, Hawai'i 96827

Testimony in Strong Support of HB 2226 HD2  
House Committee on Finance  
Hawai'i State Capitol, Room 308  
March 2, 11:00 a.m.

**LATE**

To: Rep. Sylvia Luke, Chair & Rep. Scott Nishimoto, Vice Chair and  
Members of the House Committee on Finance, Hawai'i State Legislature

From: Jake Manegdeg, President, Filipino American Citizens League

Report Title: Office of Language Access; Employee Positions; Appropriation (\$)

Description: Appropriates funds for three full-time equivalent permanent positions within the  
Office of Language Access. (HB2226 HD2)

My name is Jake Manegdeg. I am proud to strongly support this bill. The League was formed over ten years ago to contribute to the advancement of civil rights and social justice for minority groups, underserved populations, and vulnerable communities through education, advocacy, and social action.

Funding of these positions for the Office of Language Access is vital to the equal access and non-discrimination of health and government services that are essential for people's survival today. Staff positions to implement the provisions of Act 217 of the language access law are more cost effective than litigation for non-compliance of civil rights laws.

Thank you very much for hearing this bill and for your consideration of its merit.

Very Sincerely,

Jake Manegdeg  
President, Filipino American Citizens League



Testimony in Strong Support of HB 2226 HD2  
House Finance Committee  
March 2, 2016, 11 a.m., Conference Room 308

To: Rep. Sylvia Luke, Chair; & Rep. Scott Nishimoto, Vice Chair  
House Finance Committee Members

From: Charlene Cuaresma, MPH, Principal Investigator  
Asian American Network for Cancer Awareness, Research and Training  
[ccuaresma@gmail.com](mailto:ccuaresma@gmail.com)

Report Title: Office of Language Access; Employee Positions; Appropriation (\$)  
Description: Appropriates funds for three full-time equivalent permanent positions within the Office of Language Access. (HB2226 HD2)

Dear Chair Sylvia Luke, Vice Chair Scott Nishimoto, and House Finance Committee Members:

My name is Charlene Cuaresma. I am happy to submit strong support for this bill, as principal Investigator for the Asian American Network for Cancer Awareness Research and Training (AANCART). We are a Community Network Program of the National Cancer Institute. AANCART was established to address cancer disparities among Asian Americans through research, education, training, and advocacy.

We strongly urge you to fund these three positions that are critical for complying with civil rights protections for language access, which are key to overcome barriers to health care. According to the 2010 U.S. Census Bureau, there are over thirty languages that are spoken at home in Hawai'i. Among the top are Philippine languages Ilokano, Tagalog, Bisyan, and Japanese. Of these groups, those who need the most assistance with language access services are likely to be poor, elderly, or work in service and agricultural industries. With great dedication of a few, tremendous strides have been made despite years of inadequate funding for the Office of Language Access. Much more gains can be realized with this bill for a modest allocation to fill three staff positions. Diversity and multilingualism of Hawai'i's people are a unique asset to protect and invest in. The result of a healthy economy, healthy community, and a civil and compassionate society are priceless.

Thank you for hearing this bill, and for the opportunity to offer my strong support.

Sincerely,

Charlene Cuaresma