

# HB2226 HD2

Measure Title: RELATING TO THE OFFICE OF LANGUAGE ACCESS.

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)

Companion:

Package: None

Current Referral: CPH, WAM

Introducer(s): AQUINO, CACHOLA, DECOITE, ICHIYAMA, ING, ITO, KAWAKAMI, LOPRESTI, MIZUNO, MORIKAWA, SAY, TAKUMI, TSUJI, YAMANE



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

830 PUNCHBOWL STREET, ROOM 322

HONOLULU, HAWAII 96813

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To: Senator Rosalyn H. Baker, Chair  
Senator Michelle N. Kidani, Vice Chair  
Senate Committee on Commerce, Consumer Protection, and Health

From: Helena Manzano  
Executive Director, Office of Language Access

Date: March 15, 2016, 9:00 a.m.  
State Capitol, Room 229

Re: Testimony on H.B. 2226 H.D.2  
Relating to 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 the state’s 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.



Committee: Committee on Commerce, Consumer Protection & Health  
Hearing Date/Time: Tuesday, March 15, 2016, 9:00 a.m.  
Place: Conference Room 229  
Re: Testimony of the ACLU of Hawaii in Support of H.B. 2226, H.D.2, Relating to the Office of Language Access

Dear Chair Baker and Members of the Committee on Commerce, Consumer Protection & Health:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 2226, H.D.2, which appropriates funds for three full-time positions within the Office of Language Access.

The Office of Language Access was established to support agencies in their compliance with state language access law, which requires agencies to take reasonable steps to ensure meaningful access to their programs and activities by Limited English Proficiency (“LEP”) persons. According to the U.S. Census Bureau, 24.8 percent of people living in Hawaii speak a language other than English at home, and only 54.5 percent of this population is able to speak English “very well.”

The ACLU of Hawaii often works with homeless individuals and families, many of whom are LEP and have difficulty accessing state services because they do not understand the language. This perpetuates the cycle of poverty and homelessness. To achieve the state’s goal of alleviating homelessness, it is imperative that the Office of Language Access is sufficiently staffed to ensure that Hawaii’s LEP population is afforded equal access to necessary state services.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Mandy Finlay". The signature is written in a cursive, flowing style.

Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*

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Testimony in Strong Support of HB 2226 HD2  
Senate Committee on Commerce, Consumer Protection, and Health  
March 15, 2016, 9 a.m., Conference Room 229

To: Sen. Rosalyn H. Baker, Chair and Sen. Michelle N. Kidani, Vice Chair  
Members of the Senate Committee on Commerce, Consumer Protection, and Health

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 Roslyn Baker, Vice Chair Michelle Kidani, and Senate Ways and Means 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



TESTIMONY IN SUPPORT OF  
HB 2226 – RELATING TO THE OFFICE OF LANGUAGE ACCESS

Khara Jabola-Carolus, Lead Organizer  
Hawai'i Coalition for Immigrant Rights

Senate Committee on Commerce, Consumer Protection, and Health  
March 15, 2016, 9:00 a.m., Conference Room 229

Dear Chair Baker, Vice Chair Kidani, and Members of the Committee:

On behalf of the Hawai'i Coalition for Immigrant Rights (HCIR), the immigration arm of Faith Action for Community Equity (FACE), I would like to thank the Committee for this opportunity to testify. H.B. 2226, if enacted, would provide the funding needed to restore the Legislature's intended staffing levels, functions, and operations of the Office of Language Access (OLA). HCIR **strongly supports** this bill as an important step toward guaranteeing implementation of state and federal mandates for language access.

HCIR is the only organization in Hawai'i that coordinates policy advocacy to increase opportunities for immigrants in the state. Through our community work, we know that the state does not have the basic structures to welcome immigrants although much has been done by this body to address the extensive needs of immigrants through language access.

Since the fiscal crisis of 2009, OLA has been stretched to its outer limits with just three staff being made to perform work intended for 11 staff members. This is genuinely troubling given that **Hawai'i is among the top five states with the highest percentage of foreign-born residents.**

Unfortunately, the Legislature's underfunding of OLA has resulted in significant financial loss to the state through costly legal action and compliance monitoring. As recently as last may, at least four major state departments have also been sued, investigated, and/or monitored by federal agencies for lack of compliance. This measure is an opportunity to save the state precious resources, as well as protect civil rights of newcomers.

Accordingly, we request that your Committee PASS the H.B. 2226. Thank you for the opportunity to provide testimony.

Sincerely,

Khara Jabola-Carolus

# Filipino American Citizens League

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

Testimony in Strong Support of HB 2226 HD2  
Senate Committee on Commerce, Consumer Protection, and Health  
March 15, 2016, 9 a.m., Conference Room 229

To: Sen. Rosalyn H. Baker, Chair and Sen. Michelle N. Kidani, Vice Chair  
Members of the Senate Committee on Commerce, Consumer Protection, and Health

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)

Dear Chair Roslyn Baker, Vice Chair Michelle Kidani, and Senate Ways and Means Committee Members:

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





March 15, 2016, 9 am

TO: Chair Baker and members of the Committee on Commerce, Consumer Protection and Health

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.



Testimony in Strong Support of HB 2226 HD2  
Senate Committee on Commerce, Consumer Protection, and Health  
March 15, 2016, 9 a.m., Conference Room 229

To: Sen. Rosalyn H. Baker, Chair and Sen. Michelle N. Kidani, Vice Chair  
Members of the Senate Committee on Commerce, Consumer Protection, and Health

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



## *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*

Testimony in Strong Support of HB 2226 HD2  
Senate Committee on Commerce, Consumer Protection, and Health  
March 15, 2016, 9 a.m., Conference Room 229

To: Sen. Rosalyn H. Baker, Chair and Sen. Michelle N. Kidani, Vice Chair  
Members of the Senate Committee on Commerce, Consumer Protection, and Health

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

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.

Testimony presented by  
Lucia Aranda  
Professor, Department of Languages and Literatures of Europe and the Americas  
College of Languages, Linguistics, and Literature  
University of Hawai'i at Mānoa

March 13, 2016

Support for HB2226  
Appropriation of funds for the Office of Language Access

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I am a professor in the University of Hawai'i at Mānoa's Department of Languages and Literatures of Europe and the Americas and Director of the Center for Interpretation and Translation Studies, a center with the University's College of Languages, Linguistics and Literature writing in support for HB2226 which would appropriate funds for three positions in the Office of Language Access.

I would like to express to the committee the importance of the Office of Language Access (OLA) in a multilingual state such as ours. Our position in the Pacific, both geographically and politically, means that Hawai'i is a destination for a myriad number of people from all over the world but especially from surrounding states. Unfortunately, not all those who arrive to our shores come so speaking or reading English. While this enhances our rich linguistic life, the fact is that the lack of knowledge of English hinders these immigrants' relationships at many levels.

The Office of Language Access plays a crucial role in mediating between this non-English community and the different government institutions with whom they come into contact. In spite of OLA's efforts, the lack of personnel to implement the tasks with which it is charged seriously impedes its ability to function in an efficient and effective manner.

I urge the legislature to support the funding of these positions so that OLA can truly serve the public and help bridge the gaps between the government, the community and the individuals that OLA assists.

Thank you very much for the opportunity to testify.

## Legislative Testimony

**To: Chair, Senator Rosalyn Baker; Vice-Chair, Representative Scott Nishimoto, Vice-Chair, Finance Committee**

**From: Terrina Wong**

**Date: March 15, 2016, 9:00 a.m. State Capitol, Room 229**

**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](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPH Testimony](#)  
**Cc:** [tinatakashy@hotmail.com](mailto:tinatakashy@hotmail.com)  
**Subject:** \*Submitted testimony for HB2226 on Mar 15, 2016 09:00AM\*  
**Date:** Sunday, March 13, 2016 7:01:13 PM

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**HB2226**

Submitted on: 3/13/2016

Testimony for CPH on Mar 15, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tina Takashy	Individual	Support	No

Comments:

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](mailto:webmaster@capitol.hawaii.gov)