

## Legislative Testimony

Date: February 9, 2016

From: Office of Language Access Advisory Council  
Dominic Inocelda, Chairperson and OLA Advisory Council Members

SUBJECT: **Support of HB 2226 -Relating to the Office of Language Access**

Honorable Chair Dee Morikawa and Members of the House Committee on Human Services,

The Office of Language Access Advisory Council at its meeting on February 4, 2016, unanimously voted to support HB 2226, Relating to the Office of Language Access.

The OLA Advisory Council is made up of members who represent various entities and organizations that have a special interest in promoting the purpose and goals of the Office of Language Access as referenced by Act 290, Session Laws of Hawaii 2006, and amended by Act 201, Session Laws of Hawaii 2012. This act seeks to ensure that limited English proficient individuals have meaningful access to state-provided and state funded services in Hawaii.

The Advisory Council is in full agreement with HB 2226 which seeks to increase the current staffing of the Office of Language Access with the addition of two full-time permanent researcher positions and one full-time permanent office assistant position. This staffing level would greatly promote the office's ability to carry out its duties and functions as originally designed.

Although current staffing which was severely reduced in the State's reduction of force in 2009, has maintained the work of promoting language accessibility by increasing the number of trained interpreters, improving the understanding of Hawaii's language access laws and rights of persons who speak little or no English, responding to complaints about limited language access supports, and increasing the number of covered entities that have developed and implemented language access plans, the full functions of the office have not been addressed or implemented. We are in full support of increased staffing to ensure that the OLA office can more effectively do its work to improve language access for all in Hawaii.

On behalf of the Office of Language Access Advisory Council, I want to restate our position of full support for HB 2226 and ask for your serious considering of support and passage in you committee. Thank you for the opportunity to provide this testimony of support of HB 2226.

# HAWAII FILIPINO LAWYERS ASSOCIATION

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Date: February 11, 2016

To: Rep. Dee Morikawa, Chair  
Rep. Bertrand Kobayashi, Vice Chair  
House Committee on Human Services

Re: Testimony on H.B. 2226 - 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** 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.*

**LATE**

Legislative Testimony

To: Representative Dee Morikawa, Chair; Representative Bertrand Kobayashi, Vice-Chair

From: Terrina Wong

Date: February 11, 2016, 9:00 a.m. State Capitol, Room 329

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.



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To: Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair  
House Committee on Human Services

From: Helena Manzano  
Executive Director, Office of Language Access

Date: February 11, 2016, 9:30 a.m.  
State Capitol, Room 329

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

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The Office of Language Access (“OLA”) appreciates the opportunity to testify on S.B. 2284 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, 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 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. Although the office eventually received enough funds to restore two of the five lost positions, it continues to lack the manpower needed to provide adequate technical assistance and compliance monitoring that meet agencies’ needs.

In the last few years, we have seen a marked increase in legal action and compliance monitoring from civil rights divisions of various federal agencies. For example, last May, our State Department of Transportation settled a class action suit in federal court which claimed the agency

violated language access law by failing to provide translations of its drivers' license exam in a manner that constituted intentional discrimination. We are aware of three other major state departments that 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 have found they have lost 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 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.

February 05, 2015

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To: Members, Senate Committee on Health  
Re: Support for Bill HB2226

Dear Senate Committee Members:

I hope you would take some time to seriously consider this bill; the Office of Language Access is committed to improving and educating State agencies and members of the community on the value of the right to be able to understand one another through Language Access. They have put great time and effort in to many workshops, seminars and conferences, enhancing the value of their work and their service to the community, with a reduced staff of only 3 people for a few years.

This year, 2016, will mark 10 years since the Language Access Law was enacted in Hawaii, and this will be a great opportunity to help the Office of Language Access grow and continue to help the State of Hawaii and it's population who have a different language than English to integrate more. In my experience as a Spanish Interpreter for many of the State Courts and also Immigration Court, I can tell this issue of language access and accessing basic services such as medical, legal and throughout the community at large it's still a challenge for many.

I strongly support this bill and I hope you will as well,

Rebeca Zamora