



STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS

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

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 1, 2016, 3:00 p.m.
State Capitol, Room 308

Re: Testimony on H.B. 2227 H.D.2
Relating to Language Access

The Office of Language Access (“OLA”) appreciates the opportunity to testify on H.B. 2227 H.D.2 Relating to Language Access. My name is Helena Manzano, Executive Director of the Office of Language Access (OLA). OLA **strongly supports the intent** of H.B. 2227 H.D.2 which provides appropriations needed to operate the Language Access Resource Center (LARC) and Multilingual Website Pilot Project – programs of OLA created by Act 217 Session Laws Hawaii 2013.

The Language Access Resource Center and Multilingual Website Pilot Project enable state and state-funded agencies to better serve those with limited English Proficiency (LEP) by assisting them with their compliance with applicable federal and state language access laws. However, it is important for agencies to understand that while the LARC may provide useful information, the fiscal and administrative responsibility for complying with language access - civil rights law lies within each agency.

Since Act 217 became effective on July 1, 2013, OLA has set into motion the steps to hire staff and begin the work of the LARC and the Multilingual Website Pilot Project. The appropriation in that measure, and delayed release thereof, was inadequate to timely and effectively operate these additional programs – leaving their execution to the same three OLA staff: an executive director, a legal analyst, and a secretary.

We also note that the appropriations originally drafted into HB2226, which would restore the original staffing for OLA, provides greater opportunity for fiscal economy, improved compliance, and less costly litigation against the state because those appropriations could be used to execute the functions of both OLA as well as the programming of the LARC. The passage of HB2226 would enable OLA to function as intended when Hawaii’s Language Access law was established by statute in 2006. HB2227 goes further to enable OLA to better implement the above-referenced programs.

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 (LEP) 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. Act 290 (SLH 2006) also created OLA, the purpose of which is to address the language access needs of 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). OLA was thus 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.

Therefore, 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. Moreover, Act 217 (SLH 2013) added the administration of the Language Access Resource Center and Multilingual Website Pilot Project, without the staffing and resources it needs to execute as intended.

In the last few years, we have seen a marked increase in expensive and time-consuming 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 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. 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 property of the homeless - a significant percentage 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 their 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 state and state-funded agencies can avoid costly penalties and expense through so-called "voluntary compliance" or lost federal funding.

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



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

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 10:46 PM
To: FINTestimony
Cc: terrina@pacificgatewaycenter.org
Subject: *Submitted testimony for HB2227 on Mar 1, 2016 15:00PM*

LATE

HB2227

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Terrina Wong	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.

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LATE

FILIPINOS FOR AFFIRMATIVE ACTION

P.O. Box 61626 · Honolulu, HI 96839

TESTIMONY IN STRONG SUPPORT OF HB2227 HD2

Submitted to
House Committee on Finance
Hawai`i State Capitol, Room 308
March 1, 2016, 3:00 pm

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 HB2227 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 2227 HD2 to operate the statewide language access resource center within the Office of Language Access (OLA) to allow state agencies and covered entities to provide translation and interpretation services to limited English proficient individuals consistent with Hawai'i's language access laws, as well as a multilingual website.

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.

FFAA is committed to supporting and promoting equality for Hawai'i's diverse community. Limited English Proficiency is a barrier to equal access to government services, programs, and activities. The statewide language access resource center and multilingual website pilot project serves to connect LEP individuals with resources.

Thank you for the opportunity to provide testimony on this bill and for the Legislators' continued support of the Office of Language Access. I hope that you will act favorably on this measure to support ongoing efforts to further develop the resource center and website.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 10:18 PM
To: FINTestimony
Cc: hidina@msn.com
Subject: Submitted testimony for HB2227 on Mar 1, 2016 15:00PM

LATE

HB2227

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dina R Yoshimi	Individual	Support	No

Comments: At the heart of language access lies access to information that is critical to the health, well-being, and life success of individuals with limited English proficiency. Funding the LARC and the multilingual website project provides the resources needed for making a flow of crucial information available to those who will be best served by gaining access in a language other than English. This includes information fundamental to becoming a productive member of our community: information about joining the workforce, preparing one's child for school, obtaining health insurance, acquiring a state identification card, etc. Multilingual web sites provide ready access in an economical and viable manner. An investment that provides access to the fundamental resources for success in becoming a functioning and law-abiding citizen is an investment in aloha to all who reside in our state. I encourage your support of this important work being undertaken by OLA.

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
Sent: Monday, February 29, 2016 5:36 PM
To: FINTestimony
Cc: tinatakashy@hotmail.com
Subject: Submitted testimony for HB2227 on Mar 1, 2016 15:00PM

HB2227

Submitted on: 2/29/2016

Testimony for FIN on Mar 1, 2016 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tina Takashy	Individual	Comments Only	No

Comments: HB2227 is vital to OLA capacitation to efficiently implement its mandate under the Hawaii State Language Access Law, specifically OLA's LARC and multilingual website project. I fully support approval of its budget that is being considered under this HB2227 hearing.

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LATE



March 1, 2016, 3pm

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

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

RE: HB 2227 hd2 Relating to Language Access

I am representing the Hawai'i Friends of Civil Rights (HFCR) in support of hb2227 hd2 which provides funds for the statewide language access resource center and multilingual website. HFCR 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.

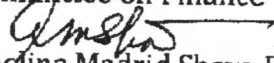
HFCR strongly supports hb 2466 which will provide resources to implement the state and federal mandates for equal access. It is necessary to utilize current technology and materials to allow Hawaii community members whose first language is not English to access state and other services and help them fully participate fully. With additional resources government services will become accessible and will help these residents, many of whom are low-income and seeking to improve their education and employment skills.

LATE

Ethnic Education Foundation of Hawaii

"To the most in need, the most helpful information"

TO: Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Committee on Finance

FROM: 
Abelina Madrid Shaw, Executive Director

DATE: March 1, 2016 (3:00 p.m., Room 308)

RE: IN SUPPORT OF HB 2227 HD2, RELATING TO LANGUAGE ACCESS

The Ethnic Education Foundation of Hawaii strongly supports HB 2227 HD2, Relating to Language Access, which will enable the Office of Language Access (OLA) to continue the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project.

The operation of the Center and Website will help address Hawaii's language access needs and among the cost-effective and strategic solutions to address language diversity. The Migration Policy Institute examined the US Census 2013 American Community Survey data and estimated that 13% of Hawaii's resident population are with limited English proficiency. Only California (19%) and Texas (14%) rank higher than Hawaii. The Ethnic Education Foundation of Hawaii knows first hand that Hawaii needs interpretation, translation, training and assistance in the various languages and dialects including Cantonese, Chuukese, Ilokano, Japanese, Korean, Laotian, Marshallese, Mandarin, Okinawan, Samoan, Spanish, Tagalog, Tongan, Vietnamese and more. Hawaii's needs are relatively high and diverse.

The Ethnic Education Foundation helps to advance and facilitate the mission of OLA by providing radio and other media programming to persons of limited English proficiency many identified by OLA in its outreach.

Thank you for the opportunity to provide this testimony.

RECEIVED

2016 MAR - 1 A 11: 44

SERGEANT-AT-ARMS
HOUSE OF
REPRESENTATIVES



From: mailinglist@capitol.hawaii.gov
 Sent: Tuesday, March 01, 2016 2:30 PM
 To: FINTestimony
 Cc: gamushara18@gmail.com
 Subject: Submitted testimony for HB2227 on Mar 1, 2016 15:00PM
 Attachments: OLA testimony.docx

HB2227

Submitted on: 3/1/2016

Testimony for FIN on Mar 1, 2016 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon A. Hill	Individual	Support	No

Comments: No matter our proficiency, we will all need some form of assistance at some point in our lives with language used in government, law, medicine, etc., so that we may better enjoy the benefits that often lie behind the complicated jargon of these fields of resource management.

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