

SB2284

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.
Companion:	HB2226
Package:	None
Current Referral:	CPH, WAM
Introducer(s):	CHUN OAKLAND, Baker



STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS

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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: February 4, 2016, 9:00 a.m.
State Capitol, Room 414

Re: Testimony on S.B. 2285
Relating to Language Access

The Office of Language Access (“OLA”) appreciates the opportunity to testify on S.B. 2285 Relating to Language Access. My name is Helena Manzano, Executive Director of the Office of Language Access (OLA). OLA **strongly supports the intent** of S.B. 2285 which provides the funding needed by OLA 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.

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. However, OLA is unable to execute these initiatives as intended because the appropriation given by the 2013 legislature was less than half that was projected and requested. No other appropriations have been made to fund these projects since.

Together with the appropriations that have been drafted into **SB2284** -which would restore original staffing for OLA (not yet scheduled for hearing) - the office will be able to function as intended when Hawaii’s Language Access law was established by statute in 2006.

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 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.

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 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.

HAWAII FILIPINO LAWYERS ASSOCIATION

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Date: February 8, 2016

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

Re: Testimony on S.B. 2284 - Relating to the Office of Language Access

The Hawaii Filipino Lawyers Association (HFLA) appreciates the opportunity to submit this testimony in strong support of SB2284 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.

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: tinatakashy@hotmail.com
Subject: Submitted testimony for SB2284 on Feb 9, 2016 09:00AM
Date: Sunday, February 07, 2016 3:29:13 PM

SB2284

Submitted on: 2/7/2016

Testimony for CPH on Feb 9, 2016 09:00AM in Conference Room 229

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

Comments: As a professional Interpreter and translator for LEP Chuukese Clients accessing health, education and social services in Hawaii, I see first hand how important OLA's services to my COFA community in Hawaii. Having a fully secure annual operational budget with full time paid staff is vital to ensuring LEP clients access vital services they need but often missed due to inability to articulate their needs and wants in English.

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

February 05, 2015

REBECA ZAMORA
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To: Members, Senate Committee on Health
Re: Support for Bill SB2284

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 workshop, seminars and conferences during the last few years, 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