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**Subject:** \*Submitted testimony for SB926 on Feb 4, 2015 13:15PM\*  
**Date:** Tuesday, February 03, 2015 9:39:16 AM

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**SB926**

Submitted on: 2/3/2015

Testimony for HTH on Feb 4, 2015 13:15PM in Conference Room CR414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mindy Emmons	Individual	Support	No

Comments:

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To: Senator Josh Green, Chair  
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Senate Committee on Health

From: Dominic Inocelda  
Chair, Office of Language Access – Language Access Advisory Council

Date: February 4, 2015, 1:15p.m.  
State Capitol, Room 414

Re: Testimony on S.B. 926  
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. 926 Relating to the Office on Language Access. My name is Dominic Inocelda, and I am the Chair of OLA’s Language Access Advisory Council, testifying on behalf of OLA in lieu of its Executive Director, as this position is currently vacant. OLA strongly supports the intent S.B. 926 which provides the resources needed by OLA to function as intended when Hawaii’s Language Access law was established by statute in 2006.

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 local 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 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.

When Act 290 (SLH2006) created OLA, the office's staff of six was able to provide much needed services and guidance to state 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 with both federal and state law.

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 meets state and state-funded agencies' needs.

In the last few years, we have seen a marked increase in compliance monitoring from civil rights divisions of various federal agencies. Moreover, one of our major state departments is currently defending itself in federal court against a class action suit claiming the state not only violated Title VI by failing to provide translations of vital documents, but that they did it in a manner that constitutes intentional discrimination. Needless to say, there is much work for the office to do to assist our state agencies in understanding and meeting its obligations to provide language access – a civil right on both the state and federal level.

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. We hope to assist in avoiding costly penalties and expense to the state 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.