



LATE

The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Friday, February 23, 2018, 11:00 a.m.
State Capitol, Conference Room 211

by
Debi Tulang-DeSilva
Program Director
Office of Equality and Access to the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2511, S.D. 1, Relating to Language Access.

Purpose: Appropriates funds for the establishment of two full-time equivalent (2.00 FTE) permanent program specialist positions within the office of language access to assist state agencies and state-funded agencies in implementing the requirements of Hawaii's language access law.

Judiciary's Position:

The Judiciary supports Senate Bill No. 2511, S.D. 1.

This measure appropriates funds for the establishment of two full-time permanent positions within the Office of Language Access (OLA) to assist state agencies and state-funded agencies in implementing the requirements of Hawai'i's language access law. The Judiciary recognizes that many people who require or receive Judiciary services may not be able to meaningfully participate due to limited English proficiency (LEP). Thus, the Judiciary has prioritized its resources over the years to enhance the language access services it provides for LEP court customers. Through its Office on Equality and Access to the Courts, the Judiciary is committed to providing meaningful access to court processes and services to persons with LEP.



Senate Bill No. 2511, S.D. 1, Relating to Language Access
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Since its establishment, the OLA has been extremely supportive of the Judiciary's efforts to promote language access and has been a valuable collaborative partner on many language access projects. In order to sustain the assistance and support that the OLA provides the Judiciary and numerous other state agencies, the Judiciary supports the passage of Senate Bill No. 2511, S.D. 1.

We appreciate the Legislature's action to support efforts that promote access to justice and respectfully request your support of Senate Bill No. 2511, S.D. 1.

Thank you for the opportunity to provide testimony on this measure.

Ryan H. Engle
Board President

Angela Kuo Min
Executive Director



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**TESTIMONY IN SUPPORT OF S.B. No. 2511
RELATING TO LANGUAGE ACCESS**

**Committee on Ways and Means
Friday, February 23, 2018 11:00 a.m
Conference Room 211**

CHAIR DELA CRUZ, VICE CHAIR KEITH-AGARAN, AND MEMBERS OF THE
COMMITTEE:

Volunteer Legal Services Hawaii supports the passage of S.B. No. 2511 and the recommendation to appropriate funds relating to the Office of Language Access.

In the last thirty-six years, Volunteer Legal Services Hawaii has provided legal assistance to the low- and moderate- income community of Hawaii; many who identify themselves as English not being their first language and/or being limited in English proficiency. Our office recognizes the needs for interpreter and translator resources to continue serving the multi-ethnic and multi-cultural community of Hawaii, and to provide all residents of Hawaii meaningful access to justice.

I support S.B. No. 2511 to increase staff at the Office of Language Access. Thank you.

Sincerely,

Angela Kuo Min
Executive Director



LATE

FILIPINOS FOR AFFIRMATIVE ACTION

P.O. Box 61626 Honolulu, HI 96839

TESTIMONY IN STRONG SUPPORT OF SB 2511, SD1

**Submitted to
Senate Committee on Ways and Means
Hawai`i State Capitol, Conference Room 211
February 23, 2018, 11:00 am**

TO: Chair Donovan Dela Cruz
Vice-Chair Gilbert Keith-Agaran
Members of the Senate Committee on Ways and Means

FR: Agnes Malate
Filipinos for Affirmative Action

RE: IN SUPPORT OF SB 2511, SD1 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 SB 2511, SD1 to establish two full-time equivalent (2.0 FTE) permanent positions within the Office of Language Access (OLA).

First of all, I would like to thank the Legislature in having the foresight to establish the Office of Language Access (OLA) a decade 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.

In 2009, OLA's staff was reduced from six to five, retaining only the executive director position. Since then two positions have been restored in 2013. However, critical positions remain vacant due to lack of funding. As a result, OLA has not been able to fully meet its original statutorily-mandated charge to ensure that state agencies are in compliance and to provide technical assistance. Numerous state agencies have been unable to implement key components of their language access plans due to lack of oversight and technical assistance. Funding the two positions is necessary to support operational costs to monitor, review, and assist agencies in complying with language access requirements. Further delay in filling these positions could result in greater cost to the State in the long-term if agencies are found noncompliant.

I urge you to preserve the intent of the Language Access Act and ensure that OLA continues to fulfill its vital role. Thank you for the opportunity to provide testimony on this bill and for the Legislators' continued support of the Office of Language Access.

February 22, 2018

LATE

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means

From: Pat McManaman

Testimony in Support of S.B. 2511

As early as 1974, the United States Supreme Court held that failing to take reasonable steps to ensure meaningful access to services for Limited English Proficient (LEP) persons is a form of national origin discrimination prohibited by Title VI of the Civil Rights Act of 1964. See, *Lau v. Nichols*, 414 U.S. 563 (1974). Executive Order 13166, which was issued in 2000, further emphasized the application of Title VI to language access discrimination and required all entities receiving federal funding to provide meaningful access to LEP persons.

Despite the clear mandates of federal law, Hawaii has been cited repeatedly by the Department of Justice and the federal court for its failure to take reasonable steps to ensure meaningful access to services by LEP persons (Department of Human Services, Consent Decree, 2008; Department of Transportation, *FACE v. DOT*, United States District Court for the District of Hawaii, 2015; and Hawaii Judiciary, Technical Assistance Agreement, 2015).

Created by this Legislature in 2006, the Office of Language Access (OLA) was bold step that reaffirmed Hawaii's commitment to civil rights and inclusive access to services regardless of national origin. OLA remains committed to this vision. Without adequate resources and positions, however, it is unable to fulfill its legislative mandate to provide technical assistance to State entities and to assure compliance with federal and State language access laws.

I urge the Legislature to fully fund OLA. In the absence of full funding, we are inviting reoccurring complaints and costly litigation and place at risk our standing as a welcoming, inclusive State.