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## SENATE RESOLUTION

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REQUESTING THE GOVERNOR TO CONVENE A WORKING GROUP TO DEVELOP  
RECOMMENDATIONS FOR EFFECTIVE COMMUNICATIONS WITH LIMITED  
ENGLISH PROFICIENT PERSONS AND PERSONS WITH DISABILITIES  
BEFORE, DURING, AND AFTER EMERGENCIES AND NATURAL  
DISASTERS.

1 WHEREAS, the 2019 State of Hawaii Data Book reported that  
2 the portion of Hawaii's total population that is five years old  
3 and above is 1,331,641; and  
4

5 WHEREAS, roughly one in four people in the State, or  
6 348,139, speak a language other than English at home; and  
7

8 WHEREAS, the 2019 State of Hawaii Data Book also reported  
9 that 161,055, or approximately one in nine of Hawaii's residents  
10 indicated that they speak English "less than very well",  
11 classifying them as limited English proficient persons; and  
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13 WHEREAS, Hawai'i has one of the highest proportions of  
14 non-English speakers in the United States; and  
15

16 WHEREAS, language access is a civil right that derives from  
17 Title VI of the Civil Rights Act of 1964, which provides that  
18 "[n]o person in the United States shall, on the ground of race,  
19 color, or national origin, be excluded from participation in, be  
20 denied the benefits of, or be subjected to discrimination under  
21 any program or activity receiving Federal financial assistance";  
22 and  
23

24 WHEREAS, in *Lau v. Nichols*, 414 U.S. 563 (1974), the United  
25 States Supreme Court held that failure to ensure meaningful  
26 access to services for limited English proficient persons is a  
27 form of national origin discrimination prohibited by Title VI of  
28 the Civil Rights Act of 1964; and  
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30 WHEREAS, Executive Order 13166 issued by President Clinton  
31 on August 11, 2000, directed all federal agencies and entities



1 that received federal funding to examine their services and to  
2 develop and implement systems to provide meaningful access to  
3 limited English proficient persons; and  
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5 WHEREAS, the Office of Language Access, established in  
6 2006, reaffirmed Hawaii's commitment to civil rights and  
7 inclusive access to services regardless of national origin; and  
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9 WHEREAS, the State has been cited repeatedly by the federal  
10 court, federal offices of civil rights, including the Department  
11 of Justice, and Hawai'i Civil Rights Commission, for its failure  
12 to provide language accessible services for limited English  
13 proficient persons; and  
14

15 WHEREAS, during the pandemic, Hawaii's limited English  
16 proficient community has expressed concern and dismay regarding  
17 non-existent or limited access to essential state services,  
18 including health related information and unemployment benefits,  
19 in a language they understand; and  
20

21 WHEREAS, the 2018 Disability Status Report by Cornell  
22 University reported that 51,300 Hawai'i residents are hearing  
23 disabled and 25,100 Hawai'i residents are blind or experience  
24 serious difficulty seeing, even when wearing glasses; and  
25

26 WHEREAS, the Rehabilitation Act of 1973 bars entities  
27 receiving federal funds from discriminating against individuals  
28 with any disability in the provision of programs and requires  
29 that all electronic and information technology resources  
30 developed with federal funds be completely accessible; and  
31

32 WHEREAS, Title II of the American with Disabilities Act  
33 prohibits discrimination by state or local governments and  
34 requires that state and local governments ensure that their  
35 communications, including emergency communications, are fully  
36 accessible to people with disabilities; and  
37

38 WHEREAS, bridging the language divide experienced by the  
39 limited English proficient, deaf, blind, and disabled  
40 communities is essential to ensuring equitable access to  
41 services, programs, and activities for all Hawai'i residents; and  
42



1 WHEREAS, effective and appropriate communication that  
2 reaches these communities during natural disasters or emergency  
3 events is critical to protecting lives, families, and the  
4 State's diverse communities; and  
5

6 WHEREAS, providing accessible communication and services in  
7 emergency and disaster management services, health care  
8 services, public benefit services, unemployment benefits, and  
9 other services critical to ensuring the safety, health, and  
10 welfare of limited English proficient and disabled persons in  
11 natural disasters and emergency events is required by federal  
12 and state laws; and  
13

14 WHEREAS, convening a working group of stakeholders is a  
15 significant step toward sharing information and solutions,  
16 developing and leveraging resources, and formulating action  
17 steps to ensure meaningful access for limited English  
18 proficient, deaf, blind, and disabled persons; now, therefore,  
19

20 BE IT RESOLVED by the Senate of the Thirty-first  
21 Legislature of the State of Hawai'i, Regular Session of 2021,  
22 that the Governor is requested to convene a working group to  
23 develop recommendations for effective communications with  
24 limited English proficient persons and persons with disabilities  
25 before, during, and after emergencies and natural disasters; and  
26

27 BE IT FURTHER RESOLVED that the working group is requested  
28 to:  
29

30 (1) Develop a plan to ensure that communication services,  
31 including translation, are accurate, culturally  
32 appropriate, meaningful, and timely;  
33

34 (2) Assess the current status of communication access for  
35 persons with a disability and limited English  
36 proficient persons during natural disasters and  
37 emergencies;  
38

39 (3) Assess the current communication needs and challenges  
40 across government entities during natural disasters  
41 and emergencies;



1 (4) Identify information technology resources and other  
2 resources and costs; and  
3

4 (5) Identify and propose legislative solutions and submit  
5 recommendations to the Legislature; and  
6

7 BE IT FURTHER RESOLVED that the working group is requested  
8 to comprise the following members:  
9

10 (1) One individual appointed by the Governor who is  
11 requested to serve as the co-chair;  
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13 (2) Two individuals appointed by the Hawai'i Coalition for  
14 Immigrant Rights, one of which shall serve as  
15 co-chair;  
16

17 (3) The Attorney General or their designee;  
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19 (4) The Director of Health or their designee;  
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21 (5) The Director of Human Services or their designee;  
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23 (6) The Director of Labor and Industrial Relations or  
24 their designee;  
25

26 (7) The Administrator of Hawai'i Emergency Management  
27 Agency or their designee;  
28

29 (8) The Chief Information Officer of the Office of  
30 Enterprise Technology Services or their designee;  
31

32 (9) The Executive Director of the Office of Language  
33 Access or their designee;  
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35 (10) The Director of the Office on Equality and Access to  
36 the Courts or their designee;  
37

38 (11) The Executive Director of the Disability and  
39 Communication Access Board or their designee;  
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- 1 (12) The Executive Administrator of the Hawai'i State  
2 Council on Developmental Disabilities or their  
3 designee;  
4
- 5 (13) The Executive Director of the Hawai'i Civil Rights  
6 Commission or their designee;  
7
- 8 (14) The Civil Defense Administrator of the Hawai'i County  
9 Civil Defense Agency or their designee;  
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- 11 (15) The Administrator of the Kaua'i Emergency Management  
12 Agency or their designee;  
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- 14 (16) The Administrator of the Maui Emergency Management  
15 Agency or their designee;  
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- 17 (17) The Director of the City and County of Honolulu  
18 Department of Emergency Management or their designee;  
19
- 20 (18) One representative from the Hawai'i State Council on  
21 Developmental Disabilities, to be appointed by the  
22 Council;  
23
- 24 (19) One representative from the Inter-Agency Council for  
25 Immigrant and Refugee Services, to be appointed by the  
26 Council;  
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- 28 (20) One person with a disability appointed by the  
29 Disability and Communication Access Board;  
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- 31 (21) One person with a developmental disability appointed  
32 by Hawai'i State Council on Developmental Disabilities;  
33 and  
34
- 35 (22) One person with limited English proficiency appointed  
36 by the Inter-Agency Council for Immigrant and Refugee  
37 Services; and  
38

39 BE IT FURTHER RESOLVED that the language and disability  
40 access working group is requested to submit to the Legislature a



1 report of its findings and recommendations, including any  
2 proposed legislation, no later than October 31, 2021; and  
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4 BE IT FURTHER RESOLVED that certified copies of this  
5 Resolution be transmitted to the Governor, Attorney General,  
6 Director of Health, Director of Human Services, Director of  
7 Labor and Industrial Relations, Administrator of the Hawai'i  
8 Emergency Management Agency, Chief Information Officer of the  
9 Office of Enterprise Technology Services, Executive Director of  
10 the Office of Language Access, Director of the Office on  
11 Equality and Access to the Courts, Executive Director of the  
12 Disability and Communication Access Board, Executive  
13 Administrator of the Hawai'i State Council on Developmental  
14 Disabilities, Executive Director of the Hawai'i Civil Rights  
15 Commission, Civil Defense Administrator of the Hawai'i County  
16 Civil Defense Agency, Administrator of the Kaua'i Emergency  
17 Management Agency, Administrator of the Maui Emergency  
18 Management Agency, Director of the City and County of Honolulu  
19 Department of Emergency Management, Head of the Hawai'i Coalition  
20 for Immigrant Rights, and President of the Inter-Agency Council  
21 for Immigrant and Refugee Services.

