

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

March 17, 2021

TO: The Honorable Representative Linda Ichiyama, Chair
House Committee on Pandemic & Disaster Preparedness

FROM: Cathy Betts, Director

SUBJECT: **HCR 121/HR 97** – 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.

Hearing: Day, 2021, Time p.m.
Conference Room , State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports these resolutions.

PURPOSE: These resolutions request 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.

DHS will participate on this working group. The disparate impact of the pandemic on Pacific Islander communities highlights the necessity for additional work to be done to improve coordination and prioritization of resources towards a range of communication strategies.

This experience also reinforces the importance of the ongoing work of the Office of Language Access (OLA) and its role to provide central coordination and technical assistance to

state agencies to translate or interpret information to improve access to benefits and services for all Hawaii residents.¹

State and federal law require DHS and others government entities to maintain language access services for Hawaii's culturally diverse population regarding all public benefits and services. All entities receiving federal funds are subject to provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI), that prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance and must provide meaningful access to services.

Similarly, the value and importance of the work and contribution of the Disability and Communication Access Board (DCAB) are highlighted particularly during this legislative session as greater access and participation by individuals with disabilities to legislative and other meetings are greatly improved. DCAB is a vital resource to agencies and the communities at all times to maintain access to services and remain compliant with provisions of the Americans with Disabilities Act.²

Especially in the current pandemic and other emergency management events where additional federal assistance is necessary to address the tremendous needs of Hawaii's residents and businesses, government agencies need the services and technical expertise that OLA and DCAB provide to maintain meaningful access to benefits and services for Hawaii's residents with limited English language proficiency and or who have disabilities.

Thank you for the opportunity to provide testimony on these resolutions.

¹ See OLA website at <https://health.hawaii.gov/ola/>.

² See DCAB website at <https://health.hawaii.gov/dcab/about-us/>.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 18, 2021

The Honorable Representative Linda Ichiyama, Chair
House Committee on Pandemic & Disaster Preparedness
The Thirty-First Legislature
Regular Session of 2021
State Capitol, State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Ichiyama and Members of the Committee:

SUBJECT: HCR 121/HR97 – Convene a working group for effective communications with limited English proficient persons and persons with disabilities.

The State Council on Developmental Disabilities **appreciated the intent of HCR 121/HR97** which requests 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.

The Council has been very fortunate to have the Office of Language Access (OLA) at our beacon call to assure we stay in compliance with Title VI of the Civil Rights Act of 1964 as well as the Executive Order 13166 of 2000, which directs all entities that receive federal funding to have meaningful access to limited English proficient persons. OLA is the responsible attached State Agency to assure the State of Hawaii remains in compliance.

We understand the State has been cited more than once by the federal court, federal offices of civil rights, including the Department of Justice, and Hawai'i Civil Rights Commission, for its failure to provide language accessible services for limited English proficient persons; and during the pandemic, the community expressed concern and dismay regarding access to essential state services including health related information and unemployment benefits in a language they understand. However, it is our understanding once the Office of Language Access was informed of the issue(s), they were able to immediately address them.

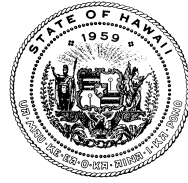
In all due respect, it appears we need to do is a better job promoting and using the Office of Language Access. The Council will fully participate in a working group to support the Office of Language Access.

Thank you for the opportunity to provide comments **to HCR 121/HR97**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus
Executive Administrator



STATE OF HAWAII
DEPARTMENT OF HEALTH
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APHIRAK BAMRUNGRUAN
EXECUTIVE DIRECTOR

Testimony COMMENTING on HCR 121/ HR 97

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.

REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS

Hearing Date: 3/18/2021

Room Number: Via Vedioconference

1 **Agency's Position:** The Office of Language Access (OLA) appreciates the intent of the House
2 Concurrent Resolution 121/ House Resolution 97, as it seeks to establish a working group to
3 develop recommendations for effective communications with limited English proficient persons
4 and persons with disabilities before, during, and after emergencies and natural disasters, and
5 offer the following comments.

6 **Purpose and Justification:** The agency notes that the aspirational and exploratory goal of both
7 resolutions are in line with the mission of OLA which is to address the language access needs of
8 Limited English Proficient (LEP) persons and ensure their meaningful access to services,
9 programs, and activities offered by the executive, legislative, and judicial branches of state
10 government, including departments, offices, commissions, boards, and other state-funded
11 agencies.

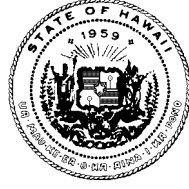
12 The lack of English proficiency has strong impacts on people's economic and social
13 activities, safety, health literacy and wellness, access to education, employment, and important
14 public assistance, benefits, programs and services. Languages barriers are known to be an
15 important contributor to the ineffectiveness of emergency information dissemination and related
16 problems, especially in multicultural communities.

1 As the recent events demonstrate, disaster/emergency can strike our state anywhere,
2 anytime, and often without warning. With so many of Hawaii's residents speaking a language
3 other than English at home, it is critical that all our communities have access to service and
4 information to help them prepare for and respond to emergencies.

5 The establishment of a working group is an important step toward information-sharing
6 and the development of ideas and action steps to address the language needs before, during, and
7 after emergencies and natural disasters.

8 Thank you for the opportunity to submit testimony on these resolutions.

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DEPARTMENT OF HUMAN SERVICES

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TESTIMONY IN SUPPORT OF HR 97

**REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS**

**REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE**

Hearing Date: 3/18/2021 Room Number: 309

Chair Ichiyama, Chair Luke and Members of the Committees:

The Hawai`i Friends of Civil Rights (HFCR) stands in Strong Support of House Resolution 97, with recommendations, and extends its gratitude to the Committees for hearing this measure.

HR 97 proposes to establish a working group to share information and solutions, develop and leverage resources, and formulate action steps to ensure meaningful access for limited English proficient, deaf, blind, and disabled persons during times of natural disasters or other emergencies. HR 97 is aligned with the mission and business goals of State and county offices to assure the safety and welfare for all people in Hawai`i.

The working group is inclusive. It will bring to the table government emergency response entities, information technology leadership, government offices with keen insight into communication issues facing limited English proficient persons and persons with disabilities, relevant community advocacy organizations, and persons with disabilities and limited English proficiency with the singular aligned goal of improving communication access during times of crisis.

The HFCR and the Hawai`i Coalition for Immigrant Rights recently engaged in a conversation with Governor Ige to express the deep concerns raised by limited English proficient persons in accessing vital COVID-19 health and safety information and Unemployment Compensation benefits. At the conclusion of our conversation, Governor Ige pledged his support for a working group and agreed to appoint a Co-Chair.

The HFCR respectfully requests that page 3, lines 36 through 39 of the HR 97 be amended as follows:

“BE IT FURTHER RESOLVED that the working group is requested to assess the current status of communication access for persons with a disability and limited English proficient persons

during natural disasters and emergencies; assess the current communication needs and challenges across government entities during natural disasters and emergencies; identify information technology resources and other resources and costs; identify and propose legislative solutions; and, submit recommendations for advancing the purpose of the Resolution .”

Thank you for the opportunity to present testimony.

Amy Agbayani
Co-Chair HFCE

Pat McManaman
Co-Chair HFCE

HR-97

Submitted on: 3/17/2021 9:42:20 AM

Testimony for PDP on 3/18/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
amy agbayani	Individual	Support	No

Comments:

TESTIMONY IN SUPPORT OF HR 97

REPRESENTATIVE LINDA ICHIYAMA, CHAIR

HOUSE COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS

REPRESENTATIVE SYLVIA LUKE, CHAIR

HOUSE COMMITTEE ON FINANCE

Hearing Date: 3/18/2021 Room Number: 309

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Amy Agbayani

Co-Chair HFCR

Pat McManaman

Co-Chair HFCR

HR-97

Submitted on: 3/17/2021 10:37:09 AM

Testimony for PDP on 3/18/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Support	No

Comments:

Aloha PDP Committee,

I am writing in support of HR97. As a public health professional working with low English proficiency (LEP) people and the son of refugees, I have witnessed firsthand the need for culturally competent and in-language access for many local communities, especially during a disaster. The COVID-19 pandemic continues to highlight the stark disparities in healthcare access, especially for LEP communities.

Thank you for your consideration of this testimony.

Thaddeus Pham (he/him)