

*The Judiciary, State of Hawai'i*

**Testimony to the Thirty-First Legislature, 2021 Regular Session**

**House Committee on Pandemic and Disaster Preparedness**

Representative Linda Ichiyama, Chair

Representative Staceylynn K.M. Eli, Vice Chair

Tuesday, April 6, 2021, 10:30 a.m.  
State Capitol, Conference Room 309  
VIA VIDEOCONFERENCE

**WRITTEN TESTIMONY ONLY**

by:

Debi S. Tulang-DeSilva

Program Director

Office on Equality and Access to the Courts

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**Bill No. and Title:** Senate Concurrent Resolution No. 95, S.D. 1, 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.

**Judiciary's Position:**

The Judiciary supports the intent of Senate Concurrent Resolution No. 95, S.D. 1.

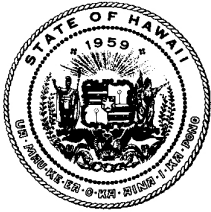
The Judiciary is committed to ensuring access to justice through language assistance services for limited English proficient persons and reasonable accommodations for persons with disabilities. At all times, and particularly in emergency and natural disaster situations, LEP persons and persons with disabilities must have timely, accurate and useful information.

The Judiciary, through its Office on Equality and Access to the Courts, appreciates the benefits in convening stakeholders who will, collectively, develop a plan for providing the

House Committee on Pandemic and Disaster Preparedness  
Senate Concurrent Resolution No. 95, S.D. 1  
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necessary resources. We appreciate being included as a member of this working group and will be happy to serve to assist this important purpose.

Thank you for this opportunity to testify on this matter.



## DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

April 6, 2021

### TESTIMONY TO THE HOUSE COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS

Senate Concurrent Resolution 95, SD1 – 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

The Disability and Communication Access Board (DCAB) supports the intent of Senate Concurrent Resolution 95, SD1, which asks 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.

When it comes to communicating with persons with communication disabilities (e.g., individuals who are blind, deaf, deaf-blind, or hard of hearing), Title II of the Americans with Disabilities Act requires state and local governments to provide equal access in all programs and services. As for individuals who are limited English proficient, Title VI of the Civil Rights Act requires meaningful access to all programs and operations of entities that receive federal or state funds. This impacts a significant number of Hawaii residents; Johns Hopkins School of Medicine reports that a fifth of all Americans have hearing loss, and, according to the Office of Language Access, about one in four Hawaii residents speak a language other than English at home.

It is acknowledged that advancements in communications, including the increasing use of technology to provide information to the public via the internet, has presented challenges with ensuring compliance with accessibility requirements. Convening a working group to address various issues involving emergency communications would be a positive step in overcoming such challenges and ensuring equal access for persons with disabilities and meaningful access for individuals who are limited English proficient.

Thank you for the opportunity to testify.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

**SCR-95-SD-1**

Submitted on: 4/1/2021 4:55:25 PM

Testimony for PDP on 4/6/2021 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christy MacPherson	Individual	Support	No

Comments:

I am in strong support of SCR95, SD1 for the sake of inclusion and effective communication.

**SCR-95-SD-1**

Submitted on: 4/2/2021 9:53:53 AM

Testimony for PDP on 4/6/2021 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thaddeus Pham	Individual	Support	No

Comments:

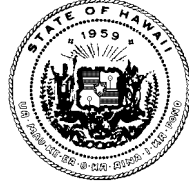
Aloha PDP Committee,

I am writing in support of SCR95. 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)

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

April 2, 2021

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

The Honorable Representative Ryan I. Yamane, Chair  
House Committee on Health, Human Services, & Homelessness

FROM: Cathy Betts, Director

SUBJECT: **SCR 95** – 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: April 6, 2021, 10:30 a.m.  
Via Videoconference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this resolution. DHS agrees with testimony of the Department of Labor & Industrial Relations in the House version that more time will likely be needed to meet and prepare a report. DHS respectfully requests continued support of the Legislature so that identified agencies have the requisite staff and fiscal resources to address this and other systemic needs whose importance is magnified by the pandemic. Proposed cuts to staff and other operational resources will reduce the agency's ability to do this necessary work.

Senate Committees on Human Services and Health amended the resolution by:

- (1) Removing language tasking the working group to identify translation and interpreter costs; and
- (2) Requesting the working group to:

- (A) Assess the current status of communication access for persons with a disability and limited English proficient persons during natural disasters and emergencies;
  - (B) Assess the current communication needs and challenges across government entities during natural disasters and emergencies;
  - (C) Identify information technology resources and other resources and costs; and
  - (D) Identify and propose legislative solutions and submit recommendations to the Legislature; and
- (3) Making technical, non-substantive amendments for the purposes of clarity and consistency.

**PURPOSE:** This resolution 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.

DHS will participate on this working group as staff are already involved in this work. 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.<sup>1</sup>

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

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

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.<sup>2</sup>

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.

Importantly, DHS and other identified agencies require the Legislature's continued support to provide sufficient staff and operational resources to continue to meet the needs of Hawaii's residents. Without sufficient resources, agency staff are stretched too thin to do this important work.

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

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





**TESTIMONY IN SUPPORT OF SCR95, SD1**

REPRESENTATIVE LINDA ICHIYAMA, CHAIR  
REPRESENTATIVE STACELYNN E.M. ELI, VICE-CHAIR

**HOUSE COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS**

Hearing Date: April 6, 2021 Room Number: 309

To: Chair Ichiyama, Vice-Chair Eli, and Members of the Committee  
From: Amy Agbayani, Co-Chair and Pat McManaman, Co-Chair

The Hawai'i Friends of Civil Rights (HFCR) stands in **Strong Support of SCR95, SD1** and extends its gratitude to the Committee for hearing this resolution.

SCR95, SD1 is aligned with HCR121, HD1 with technical, non-substantive amendments for the purposes of clarity and consistency. SCR95, SD1 proposes to establish a working group to share information and solutions 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. The objectives of SCR95, SD1 are fundamentally aligned with the mission and business goals of state and county offices to assure the safety and welfare for all Hawai'i's residents.

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 an aligned goal of improving access to state and county sponsored communications during times of crisis and natural emergencies.

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.

Thank you for the opportunity to testify on behalf of this measure.

April 6, 2021

Honorable Linda Ichiyama, Chair  
Honorable Stacelynn K.M. Eli, Vice Chair  
House Committee on Pandemic and Disaster Preparedness  
Hawaii State Capitol  
415 S. Beretania St. Room 309  
Honolulu, Hawaii 96813

Dear Chair Ichiyama, Vice Chair Eli and Members.

I am writing to strongly support SCR 95, SD1 – Requesting the Governor to convene a working group to develop recommendations for effective communication with individuals with limited English proficiency and persons with disabilities before, during and after emergencies and natural disasters. Needless to say, this would literally be a “life and death” situation where accurate, immediate and real-time information is crucial to people statewide.

Due to the urgency of this issue, perhaps setting up a working group would delay the critical need to describe guidelines for disseminating life-saving information. However, some time ago, HI-EMA had set up a workgroup that held regular meetings describing various strategies to enable quick and accurate information dissemination. Perhaps the Governor’s workgroup could collaborate with the Hi-EMA group to focus specifically on strategies to meet the communication needs of persons with limited English proficiency and individuals with disabilities with special communication access needs. I would strongly recommend the gathering of individuals familiar with the Americans with Disabilities Act to prevent re-inventing the wheel and looking at creative ways state-of-the-art technology already in existence can play a vital role in this important project.

I urge each of you to pass this important resolution. Mahalo.

Sincerely,

Eleanor Macdonald, M.Ed.

Testimony in support of SCR95 sd1

Submitted by Ethnic Education Hawai`i, Larry Ordonez President

Ethnic Education Hawai`i (EEH) is a non-profit organization founded in 1994. Our mission is to provide equal access to information in English and languages spoken in our community. We support successful participation and integration of our multi-ethnic and multilingual community in Hawai`i.

EEH strongly supports SCR 95 sd1 relating to persons with disabilities and limited English proficient persons (LEP). We advocate for improved communications and support the needs of

EEH advocates for language access compliance with federal and state laws. EEH is committed to making communication accessible for all people in Hawai`i, including those who are limited English proficient. A working committee to review the communication needs of the thousands of individuals who do not speak English adequately during emergencies and disasters is important for these LEP and the state. EEH has and will continue to support government agencies and our ethnic language media partners (eg. KNDI radio which has programs in 16 languages) to provide bilingual communications. Access to information and government services should be equally accessible to all, including immigrant communities who have been hardest hit by the pandemic.

Thank you for your consideration and support of SCR 95 sd1

P.O. Box 4777  
Kaneohe, HI 96744

April 6, 2021

The Honorable Linda Ichiyama  
Chair  
House Committee on Pandemic & Disaster Preparedness  
Hawaii State Capitol  
415 S. Beretania Street, Room 309  
Honolulu, Hawaii 96813

RE: SCR 95, SD1 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.

Dear Chair Ichiyama, Vice Chair Eli, and Members of House Committee on Pandemic & Disaster Preparedness,

I am a retired state Planner/Americans with Disabilities Act (ADA) Coordinator of the Disability and Communication Access Board (DCAB). I am now small business owner, an individual who is hard of hearing, member of the Legislative Deaf and Blind Task Force, (sponsored by Senator Rhoads), disability advocate, and I **support** SCR 95, SD1 whose purpose is to ensure equal access to information communicated to the public by people with limited English proficiency (LEP) and communication needs that are different due to a disability from the English-speaking community.

These two groups of people (LEP and people with disabilities) are typically neglected or underserved within our community, across the nation, and internationally. Their needs cannot be met by a working group consisting of a majority of state and county agencies and advocates. I have worked with these groups in the past, and though their efforts are well intentioned, it has resulted in the same outcomes that resulted in lawsuits being filed by people with disabilities under the ADA and now by people with LEP because their needs are not being met. Both of these groups and others must be included as stakeholders in the discussion from the beginning of the process. People with LEP or disabilities are not in need of our protection or guidance because they communicate in a different manner. They must be included in the planning process and have their concerns listened to and addressed. People of all abilities must be encouraged to function as independently as possible, but how can that be done if to their needs are not heard and met? People with disabilities on the Mainland have been working to improve emergency preparedness efforts use the mantra: "Nothing About Us Without Us!" Their efforts have moved emergency preparedness at the national level towards being more inclusive which is at the core of SCR 95, SD1. The work continues until no one is left behind.

Based on my knowledge and expertise working for the state in convening a working group on emergency preparedness for people with access and functional needs (which includes people with LEP and communication disabilities) prior to my retirement, I suggest the following as amendments to SCR 95, SD1:

1. Increase the number of people with LEP and disabilities serving on the working group. Requiring state and county agencies to work alongside an equal number of people

with LEP and disabilities can be a positive learning experience for everyone. Efforts on the Mainland have shown this to be true. On page 4 lines 11 – 41 and page 5 lines 1 – 41, SCR 95, SD 1 identifies 23 members (2 from one agency) to the group: 13 of which are state and county agencies, 4 represent people with LEP, and 5 represent people with disabilities (3 of which are also state agencies). As a person with a disability, I am don't feel I have equal representation on the group. Other agencies to include to make representation more equitable would be the Aloha Association of the Deaf, Brain Injury Association of Hawaii, Hawaii Disability Rights Center, Hawaii Interpreting Services, ISLE Interpret, Bilingual Access Line, Deaf and Hard of Hearing Advisory Board, the United Cerebral Palsy Association, and the Hawaii Association of the Deaf-Blind.

2. Include a whereas clause to address that training of state and local government employees be developed and conducted to understand that there are federal and state laws that need to be followed consistently across agencies. Although they may not have been previously followed, state and county agencies need to comply with all applicable laws. The best way to avoid lawsuits is to know and comply with existing federal and state laws, in conjunction to staff about laws they need to exhibit an attitude that is one of understanding, willingness, and patience to provide accessible services. DCAB used this as a first step to reduce the number of lawsuits brought under the ADA when it first passed in 1990. Develop and conduct online trainings and make attendance mandatory for state employees, starting with administrative and management level staff.

Hawaii is the most diverse state in the nation, so we understand that diversity means we live and work with people from many cultures who may communicate in various ways. The means to create solutions that work for everyone in the community is the result of working with each other. You cannot be successful until all stakeholders are involved. Nothing successful can happen without including us in the process. People with disabilities that need be heard goes beyond people who are deaf, hard of hearing and blind. It also includes people who are deaf-blind, speech-impaired, and cognitively impaired (i.e., people who have intellectual/developmental disabilities and traumatic brain injuries) need may information provided in plain language or through other means.

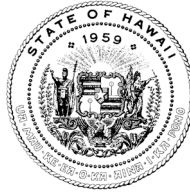
And in conclusion state and county participants and advocates representing agencies get paid for their efforts on such a working group, while people with disabilities and with LEP who offer their experience as subject matter experts are often expected to do so as volunteers. Hopefully, recommendations made in the report from this working group will include one about subject matter experts offering their efforts and expertise on the future will not be provided on a volunteer basis but will be provided at a level that is comparable to other members on the working group (by offering per diem, honorariums, stipends, or grants to subject matter experts).

Thank you for the opportunity to testify.

Respectfully,

Debra L. Jackson  
Owner  
Alii Interpreting Service, LLC

DAVID Y. IGE  
GOVERNOR



DOUGLAS MURDOCK  
CHIEF INFORMATION  
OFFICER

**OFFICE OF ENTERPRISE TECHNOLOGY SERVICES**

P.O. BOX 119, HONOLULU, HI 96810-0119  
Ph: (808) 586-6000 | Fax: (808) 586-1922  
ETS.HAWAII.GOV

Testimony of  
DOUGLAS MURDOCK  
Chief Information Officer  
Enterprise Technology Services

Before the  
HOUSE COMMITTEE ON PANDEMIC AND DISASTER RESPONSE  
Tuesday, April 6, 2021

SENATE CONCURRENT RESOLUTION NO. 95, SD1

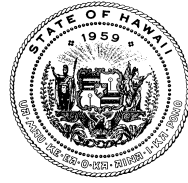
REQUESTING THE GOVERNOR TO CONVENE A WORKING GROUP TO DEVELOP  
RECOMMENDATIONS FOR EFFECTIVE COMMUNICATIONS WITH LIMITED  
ENGLISH PROFICIENT PERSONS AND PERSONS WITH DISABILITIES  
BEFORE, DURING, AND AFTER EMERGENCIES AND NATURAL  
DISASTERS.

Dear Chair Ichiyama, Vice Chair Eli and members of the committee:

The Office of Enterprise Technology Services (ETS) supports Senate Concurrent Resolution No. 95 SD1.

ETS looks forward to being a member and collaborating with the working group.

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



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
**OFFICE OF LANGUAGE ACCESS**  
1177 Alakea Street, Room B-100  
Honolulu, HI 96801-3378  
doh.ola@doh.hawaii.gov

APHIRAK BAMRUNGRUAN  
EXECUTIVE DIRECTOR

## Comments in SUPPORT of S.C.R. 95, SD1

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: 4/6/2021

Room Number: Via Vedioconference

1 **Agency's Position:** The Office of Language Access (OLA) supports Senate Concurrent  
2 Resolution (S.C.R.) 95, Senate Draft (SD) 1, as it seeks to establish a working group to develop  
3 recommendations for effective communications with limited English proficient persons and  
4 persons with disabilities before, during, and after emergencies and natural disasters, and offer the  
5 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. OLA looks forward to being a member and collaborating  
8 with the working group.

9           Thank you for the opportunity to submit testimony on this resolution.



**SCR-95-SD-1**

Submitted on: 4/5/2021 9:03:52 AM

Testimony for PDP on 4/6/2021 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Roderick Macdonald	Individual	Support	No

Comments:

HOUSE COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS

Rep. Linda Ichiyama, Chair

Rep. Stacelynn K.M. Eli, Vice Chair

DATE: Tuesday, April 6, 2021

TIME: 10:30 a.m.

PLACE: VIA VIDEOCONFERENCE - Conference Room 309

Re: SCR 95, SD1 - 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.

Honorable Chair, Vice-Chair, Members:

My name is Rod Macdonald. I am writing to urge your vigorous support of SCR 95, SD1.

I lead a pretty active life for a soon-to-be-80-year-old. I write articles, play correspondence chess, and exchange emails with friends around the world. I go out to dinner occasionally with my wife, take occasional trips to the mainland, and sometimes go shopping for tech gear at Best Buy.

But ... in the event of an emergency I have just one resource open to me - my wife. I am deaf; I am blind; I have severe arthritis/poor balance and need a walker to get around. I live on the sixth floor of a 40-story high-rise. If I had to use the stairs in the event of an

emergency, I would estimate it would take me more than half an hour to get to the ground level. Heaven only knows what I would do once I got there. If my wife were not at home I wouldn't know to evacuate.

What resources, if any, are available to folks in my situation? I worked for many years and paid my taxes every time. I am a retired federal employee of 27 years in Washington D.C. I put in another ten years, mostly as a teacher. I am independent and still pay taxes. In the event of an emergency, most folks can watch TV, listen to the radio, receive alerts on their smart phones, hear public address systems ... all sorts of communication resources are available, and none would work for me.

In the event of an emergency, first responders are trained to provide a wide range of services, but they would have no clue how to communicate with me, and in the chaos of the emergency would have no patience to listen to my explanation of how to do so.

Yes, I am a minority-of-one, but there are quite a few of us out here - different, outside-the-box, but every bit as much a citizen of this country, this State, this community as you folks are.

I suggest to you, members of these committees, we do need to sit down and think these issues through, and that is what this resolution is calling for. Please enthusiastically support this resolution.

Thank you.

Roderick J. Macdonald, MA, LHD

**Testimony in SUPPORT of SCR 95 SD1  
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  
REPRESENTATIVE STACELYNN E.M. ELI, VICE-CHAIR

**HOUSE COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS**

Hearing Date: 4/6/2021

Room Number: 309

Chair Ichiyama, Vice-Chair Eli, and Members of the Committee,

The Hawai'i Coalition for Immigrant Rights (HCIR) SUPPORTS SCR 95/SR 74, which will establish a working group to ensure meaningful communications access for limited English proficient (LEP), deaf, blind, and disabled persons during times of natural disasters or other emergencies. HCIR extends its gratitude to the Committee for hearing this resolution.

The COVID-19 pandemic emergency revealed the current gaps in our agency's ability to provide meaningful access. It is well documented that state agencies were unable to properly serve LEP communities during the crisis of the pandemic.<sup>1</sup> These shortcomings had dire consequences, as, for example, Pacific Islanders were twice as likely to be killed or hospitalized by COVID-19.<sup>2</sup> And although the COVID-19 emergency exposed these challenges with greater clarity, they have long been a concern. Hawai'i has been cited repeatedly by the federal Department of Justice and the federal court for failure to ensure meaningful access to services by LEP persons.<sup>3</sup>

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<sup>1</sup> See, e.g., Anita Hofschneider, *Health Officials Knew COVID-19 Would Hit Pacific Islanders Hard. The State Still Fell Short*, Civil Beat, August 17, 2020, at <https://www.civilbeat.org/2020/08/health-officials-knew-covid-19-would-hit-pacific-islanders-hard-the-state-still-fell-short/>; Anita Hofschneider, *Advocates: Lack of Interpreter Services at Unemployment Office is Illegal*, Civil Beat, July 7, 2020, at <https://www.civilbeat.org/2020/07/advocates-lack-of-interpreter-services-at-unemployment-office-is-illegal/>

<sup>2</sup> Anita Hofschneider, *Hawaii Pacific Islanders Are Twice As Likely to Be Hospitalized for COVID-19*, Civil Beat, November 20, 2020, at <https://www.civilbeat.org/2020/11/hawaii-pacific-islanders-are-twice-as-likely-to-be-hospitalized-for-covid-19/>.

<sup>3</sup> Hawai'i Department of Human Services, Consent Decree (2008); Hawai'i Office of Elections, United States District Court for the District of Hawai'i, Settlement Agreement (2010); Hawai'i Department of Transportation, FACE v. DOT, United States District Court for the District of Hawai'i Settlement Agreement (2015); Hawai'i Judiciary, Technical Assistance Agreement (2015); Hawai'i Public Housing Authority, Settlement Agreement with the Hawai'i Civil Rights Commission (2016). Additionally,

As we head into the next chapter of the COVID-19 fight with vaccine distribution and an eye toward economic recovery, and as we face natural disasters like the recent flash foods, meaningful access is as important as ever. We will only be able to end the COVID-19 emergency and be well-prepared for future emergencies if state agencies are able to meaningfully communicate with *all* of Hawai'i's residents. This resolution is an critical step to that goal.

The resolution proposes to establish a working group to share information and solutions, develop and leverage resources, and formulate action steps to ensure meaningful communications access for limited English proficient, deaf, blind, and disabled persons during times of natural disasters or other emergencies. The working group brings together governmental emergency response entities, information technology leadership, government agencies, and community advocates. The purpose is singularly aligned with the mission and business goals of many State and county offices to assure the safety and welfare for all people in Hawaii.

HCIR 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 Insurance benefits throughout the pandemic. At the conclusion of our conversation, Governor Ige pledged his support for a working group. We are grateful for his support. Finally, we are grateful for this Committee, and we are encouraged that this working group may be an important step forward in our goal of keeping *all* of Hawai'i safe and healthy.

Thank you for your support and consideration,

Catherine Chen, Co-chair, Hawai'i Coalition for Immigrant Rights

Liza Ryan Gill, Co-chair, Hawai'i Coalition for Immigrant Rights

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multiple language access complaints were filed in 2020 against the Hawai'i Department of Labor and Industrial Relations Unemployment Insurance Division for its failure to translate vital documents, including applications for Unemployment Insurance (UI) and Pandemic Unemployment Assistance (PUA), and its failure to provide interpreters. These complaints remain pending with the federal Department of Labor, Civil Rights Division.



## Medical-Legal Partnership for Children in Hawai'i

A Project of the William S. Richardson School of Law

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Committee on Pandemic & Disaster Preparedness

Rep. Linda Ichiyama, Chair

Rep. Stacelynn K.M. Eli, Vice Chair

Hearing Date: April 6, 2021

### **Re: Support of SCR 95 SD1: 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**

Dear Committee Members,

The Medical-Legal Partnership (MLP) represents patients at a community health center with their legal needs. Most of our clients are from Pacific Islander communities and have been disproportionately impacted by the coronavirus pandemic. We strongly support SCR 95 SD1.

This working group is an important step in fixing the shortcomings revealed during the COVID-19 emergency. Through our work at the MLP, we have seen story after story of how the lack of language access has been a battle for our communities for a long time, and especially during this pandemic. We saw it with the Department of Health, as entire communities got delayed public health messages and individual families got delayed contact-tracing resources during this deadly pandemic. We saw it with the Department of Labor and Industrial Relations, as many LEP people could not access Unemployment Insurance—benefits which they have paid into and are entitled to receive—because of language access denials. These challenges are well documented.<sup>1</sup>

Given these lessons, a working group to share ensure meaningful communications access for limited English proficient, deaf, blind, and disabled persons during times of natural disasters or other emergencies is necessary to ensure that Hawai'i is prepared to protect all of its residents.

Thank you for this opportunity to submit testimony supporting SCR 95 SD1.

Dina Shek

Legal Director, Medical-Legal Partnership for Children in Hawai'i

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<sup>1</sup> See, e.g., Anita Hofschneider, *Hawaii Pacific Islanders Are Twice As Likely to Be Hospitalized for COVID-19*, Civil Beat, November 20, 2020, at <https://www.civilbeat.org/2020/11/hawaii-pacific-islanders-are-twice-as-likely-to-be-hospitalized-for-covid-19/>; Anita Hofschneider, *Health Officials Knew COVID-19 Would Hit Pacific Islanders Hard. The State Still Fell Short*, Civil Beat, August 17, 2020, at <https://www.civilbeat.org/2020/08/health-officials-knew-covid-19-would-hit-pacific-islanders-hard-the-state-still-fell-short/>; Anita Hofschneider, *Advocates: Lack of Interpreter Services at Unemployment Office is Illegal*, Civil Beat, July 7, 2020, at <https://www.civilbeat.org/2020/07/advocates-lack-of-interpreter-services-at-unemployment-office-is-illegal/>



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
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April 6, 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: SCR05 SD1 – Convene a working group for effective communications with limited English proficient persons and persons with disabilities.**

The State Council on Developmental Disabilities **appreciates the intent of SCR95 SD1** 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 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 SCR95 SD1.**

Sincerely,

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

Daintry Bartoldus  
Executive Administrator

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
HAWAII EMERGENCY MANAGEMENT AGENCY

**TESTIMONY ON SCR95, SD1  
RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY**

Before the House Committee on  
**PANDEMIC AND DISASTER PREPAREDNESS**

By

Luke P. Meyers  
Administrator, Hawaii Emergency Management Agency (HI-EMA)

Aloha Chair Nishihara, Vice-Chair English, and Members of the Committee:

SCR95, SD1 requests the Governor to convene a working group to develop recommendations for effective communications with limited English proficient persons and persons with disabilities, during, and after emergencies and natural disasters.

The Hawaii Emergency Management Agency (HI-EMA) **offers comments** on SCR95, SD1.

The creation of this group will go a long way toward fulfilling the Hawai'i Emergency Management Agency's three-tiered mission "to help the Hawai'i Ohana prepare for, mitigate against, respond to, and recover from emergencies and disasters." And that means all our Ohana, whether they are limited English proficient or persons with disabilities.

Effective communication will greatly increase HI-EMA's ability to care for all residents and visitors of Hawaii, and we look forward to working with our state partners in sharing information and creating solutions to aid those with language and communication barriers before, during, and after natural and human-caused emergencies and disasters. With limited resources across the State, HI-EMA would hope to further incorporate this input into the existing State comprehensive emergency management planning and operations.

Luke P. Meyers: [Luke.P.Meyers@hawaii.gov](mailto:Luke.P.Meyers@hawaii.gov); 808-733-4300