

**STATE OF HAWAII
OFFICE OF LANGUAGE ACCESS**

1177 Alakea Street, Room B-100
Honolulu, HI 96801-3378
Phone: (808) 586-8730 / Fax: (808) 586-8733
doh.ola@doh.hawaii.gov

**Testimony COMMENTING on SB 814 SD2
RELATING TO ELECTRONIC INFORMATION TECHNOLOGY
ACCESSIBILITY FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY.**

REPRESENTATIVE SCOT Z. MATAYOSHI, CHAIR
RESPRESENTATIVE ANDREW TAKUYA GARRETT, VICE CHAIR
HOUSE COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

Hearing Date: 3/21/2023

Room Number: 309 & Videoconference

- 1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
- 2 Executive Budget Request.

- 3 **Purpose and Justification:** The purpose of this measure is to require the Office of Enterprise
- 4 Technology Services (ETS), in consultation with the Office of Language Access (OLA) and a
- 5 working group composed of stakeholders, to develop and publish, and periodically review and
- 6 update, electronic information technology multilingual accessibility standards to be implemented
- 7 by all state entities. Appropriate funds for one full-time equivalent (1.00 FTE) within ETS.

- 8 **Agency's Testimony:** OLA appreciates the intent of this measure, provided the measure's
- 9 passage does not replace or adversely impact priorities in the Governor's Budget Request and
- 10 offers the following comments.

- 11 The aspirational and exploratory goal of this measure are in line with the mission of OLA, which
- 12 is to address the language access needs of persons with Limited English Proficiency (LEP).
- 13 OLA is task to provide technical assistance and coordinate resources to reduce the burden of
- 14 meeting language access obligations. OLA is charged with providing oversight, central
- 15 coordination, and technical assistance to all state and state-funded agencies in their
- 16 implementation of language access compliance.

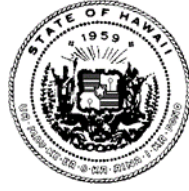
1 Hawaii is one of the most culturally diverse states and has one of the highest proportions of non-
2 English speakers in the nation. According to the U.S. Census Bureau, 2017-2021 American
3 Community Survey (ACS) 5-year estimates, an estimate of 25.9% or 353,663 of Hawaii
4 residents, 5 years and older, speak a language other than English at home. Of those, 152,929 or
5 11.2% indicated that they speak English “less than very well.” English proficiency (or a lack of)
6 has a great impact on people's economic and social activities, and health literacy and wellness. It
7 effects their ability to successfully access education, employment, and important public
8 assistance, benefits, programs and services.

9 Many state agencies are currently using their websites, portals, and digital platforms to provide
10 information and services to our residents, to accept applications for services and benefits, and to
11 access and manage online accounts. Providing persons with LEP with easy-to-find government
12 digital information could encourage their participation in government services, programs, and
13 activities. Establishing electronic information technology multilingual accessibility standards will
14 provide a critical link to communication and make government services accessible to persons
15 with LEP.

16 Although OLA does not have the technical expertise in Information Technology (IT), this
17 measure will allow OLA to work closely with other partners to further improve language access
18 in our state government. If the measure is passed, OLA will collaborate with ETS in providing
19 our expertise in the area of language access to support the creation of the standard.

20 Thank you for the opportunity to comment on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 20, 2023

TO: The Honorable Representative Scot Z. Matayoshi, Chair
House Committee on Labor & Government Operations

FROM: Cathy Betts, Director

SUBJECT: [SB 814 SD2](#) - RELATING TO ELECTRONIC INFORMATION TECHNOLOGY
ACCESSIBILITY FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY.

Hearing: March 21, 2023, 9:30 a.m.
Conference Room 309 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure, defers to the Office of Language Access and the Office of Enterprise Technology Services, and provides comments.

PURPOSE: This bill requires the Office of Enterprise Technology Services, in consultation with the Office of Language Access and a working group comprising stakeholders, to develop and publish, and periodically review and update, electronic information technology multilingual accessibility standards to be implemented by all state entities. Appropriates funds for one full-time equivalent (1.00 FTE) position. Effective 7/1/2112. (SD2)

The SD1 amended the measure by:

- (1) Amending the definition of "electronic information technology";
- (2) Appropriating \$100,000 for the establishment of one full-time Program Manager position;
- (3) Inserting an effective date of July 1, 2112, to encourage further discussion; and

- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

The SD2 amended the measure by:

- (1) Changing the amount of the appropriation from \$100,000 to an unspecified sum to facilitate further discussion on the measure; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

DHS appreciates the Legislature's investment in supporting the development of multilingual accessibility standards for the State to improve language access needs for Hawaii's multigenerational and ethnically diverse residents. Developing the statewide capability to provide real-time and accurate translation of government websites and programs will help residents navigate government programs and improve residents' engagement with public services. In addition, establishing accessibility standards will improve procurement options for government agencies and perhaps lead to more shared services.

DHS notes that the Department provides access to language interpreters by request and provides numbers for various language interpreters on the DHS program websites.

The Department's Limited English Proficiency Program Manager and the Office of Language Access also provide essential services during emergency management incidents that would benefit from a more robust Statewide language access infrastructure.

Thank you for the opportunity to testify on this bill.



DISABILITY AND COMMUNICATION ACCESS BOARD

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

March 21, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

Senate Bill 814 SD2 – Relating to Electronic Information Technology Accessibility for Persons with Limited English Proficiency

The Disability and Communication Access Board (DCAB) offers comment on Senate Bill 814 SD2 – Relating to Electronic Information Technology Accessibility for Persons with Limited English Proficiency.

Senate Bill 814 SD2 would require the Office of Enterprise Technology Services, in consultation with the Office of Language Access and a working group composed of stakeholders, to develop and publish, and periodically review and update, electronic information technology (EIT) multilingual accessibility standards to be implemented by all state entities.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient (LEP). This may include individuals who are deaf or hard of hearing and communicate using American Sign Language (ASL). Since ASL is a visual language with no written equivalent, individuals who are deaf or hard of hearing may not use English as their primary language. If English is not the primary language of an individual who is deaf or hard of hearing and the individual has difficulty communicating effectively in English, ASL may be necessary to have meaningful access to state programs, services, and activities. The electronic information technology multilingual accessibility standards should address ASL where meaningful access to EIT is an issue for LEP individuals who are deaf or hard of hearing.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Labor & Government Operations
Re: **SB 814, SD2 - Relating to Electronic Information Technology Accessibility for Persons with Limited English Proficiency**
Hawai'i State Capitol and Via Videoconference
March 31, 2023, 9:30 AM

Dear Chair Matayoshi, Vice Chair Garrett, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **SUPPORT of SB 814, SD2**. This bill requires the Office of Enterprise Technology Services, in consultation with the Office of Language Access and a working group composed of stakeholders, to develop and publish, and periodically review and update, electronic information technology multilingual accessibility standards to be implemented by all state entities.

**HCAN Speaks! Board
of Directors**

Liza Ryan Gill
President

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Mandy Fernandes
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Teri Keliipuleole
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Erica Yamauchi

During the first two years of the pandemic, non-profit organizations like ours worked hard to help limited English proficiency (LEP) families access the federal pandemic relief benefits that they were qualified for. We focused mostly on outreach to parents who qualify for Pandemic EBT (food purchasing funds when low-income keiki and their families) and the enhanced Child Tax Credit.

While working on this outreach, we learned that our state departments lack resources to provide meaningful language access, and that the federal government and national advocacy organizations do not provide translations of key documents¹, in many of the languages that are the most spoken by LEP families in Hawai'i² – such as Ilocano, Marshallese, and Chuukese.

As one of the states with the highest portion of foreign-born residents,³ combined with the lack of existing resources for translations of government documents and outreach materials into many of the languages that are spoken most here, Hawai'i arguably needs to devote more resources to ensure language access to our government services than most other states. That's why this bill is so important.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,

Nicole Woo
Director of Research and Economic Policy

¹ United States Department of Agriculture Food and Nutrition Service, <https://www.fns.usda.gov/cn/translated-applications>

² Hawai'i Data Exchange Partnership, https://hawaiiidxp.org/quick_data/datastory/el

³ Statista, <https://www.statista.com/statistics/312701/percentage-of-population-foreign-born-in-the-us-by-state/>



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of SB814 SD2
RELATING TO ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBILITY
FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY
COMMITTEE ON LABOR & GOVERNMENT OPERATIONS**

Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair

Hearing Date: March 21, 2023

Dear Chair Scot Z. Matayoshi, Vice Chair Andrew Takuya Garrett, and Members of the Committee,

The Hawai'i Coalition for Immigrant Rights is in **full support of SB814**, which requires the Office of Enterprise Technology Services in consultation with the Office of Language Access and a working group composed of stakeholders, to develop and publish, and periodically review and update, electronic information technology multilingual accessibility standards to be implemented by all state entities.

SB814 is vital in ensuring that all residents in Hawai'i, regardless of their language proficiency, have equal access to the electronic information technology provided by the State. Electronic information technology plays a critical role in our daily lives: from accessing government services and programs to finding employment. With this role in our society, we have to ensure equal access and for many Limited English Proficiency individuals, this technology can be a barrier.

As we saw during the COVID-19 pandemic, the landing pages of key departmental offices like DLIR's Unemployment Insurance and the Hawai'i Med-QUEST division offices are essentially their public-facing connection. When these pages do not have consistent language accessibility it hampers the ability of those that need them most to access them.¹ Language access is not just a "nice" idea for Hawai'i's large Limited-English Proficient communities, it is federal law. Under the 1964 Civil Rights Act Title VI and the Social Security Act any entity receiving federal funds is required to make their services accessible to speakers of other languages.² Websites like www.lep.gov offer excellent resources for state and local governments to get in compliance with federal law and avoid potential lawsuits.

¹ <https://www.civilbeat.org/2021/06/why-is-it-still-so-hard-to-reach-hawaiis-unemployment-office/>

² <https://www.civilbeat.org/2020/07/advocates-lack-of-interpreter-services-at-unemployment-office-is-illegal>



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hicoalitionforimmigrantrights@gmail.com

This legislation will require uniform standards addressing language access and ensure that all State entities are proactively addressing this issue in their communications and technology process. I strongly urge you to pass SB814 and assure that all Hawai'i residents, including Limited English Proficiency individuals, have equal access to technology and the benefit it provides in our daily lives.

Thank you for your support and consideration,

A handwritten signature in black ink, appearing to read 'Catherine Chen', is written over a light blue horizontal line.

Catherine Chen
Co-Coordinator/Refounder, Hawai'i Coalition for Immigrant Rights



TESTIMONY IN STRONG SUPPORT OF SENATE BILL 814, S.D.2

Tuesday, March 21, 9:30 AM
Conference Room 309 & Videoconference

To: Representative Scot Z. Matayoshi, Chair
Representative Andrew Takuya Garret, Vice Chair

From: The Hawai'i Friends of Civil Rights
Co-Chairs Amy Agbayani and Pat McManaman

The Hawai'i Friends of Civil Rights works to achieve equity, justice, inclusion, uphold civil rights, and eliminate discrimination. We stand in **Strong Support of Senate Bill 814, SD1.**

The 2019 State of Hawai'i Data Book reports Hawai'i's total population of persons five years of age or older at 1,331,641. Within this population 348,130 or one in four persons reports speaking a language other than English at home. Of this cohort, one in nine Hawai'i residents or 161,055 persons is limited English proficient (LEP). The top languages spoken by LEP Hawai'i residents are Ilocano, Tagalog, Japanese, Chinese, Hawaiian, Korean, Samoan, Vietnamese, Chuukese, and Marshallese. Hawai'i ranks sixth in the nation with the highest percentage of LEP persons.

An array of federal and Hawai'i laws, regulations, and legal decisions require recipients of federal or state funding to translate vital documents and provide digital access to LEP persons seeking access to federal or state-funded services. Federal authorities include Title VI of the Civil Rights Act of 1966, Executive Order No. 13166 signed by President Clinton in 2000, Chapter 321C Hawaii Revised Statutes, and *Lau v. Nichols*, 414 U.S. 563 (1974).

Despite the clear mandate to provide accessible services for LEP persons, Hawai'i has been repeatedly cited by the federal court, federal offices for civil rights, and the Hawai'i Civil Rights Commission for its failure to provide language accessible services.¹ Senate Bill 814 offers Hawai'i a path forward.

¹ Hawai'i Department of Human Services, Consent Decree, Department of Health and Human Services (2008);

Hawai'i Office of Elections, United States District Court for the District of Hawai'i, Settlement Agreement (2010);

Standardizing performance criteria and technical requirements across the State's enterprise technology systems, coupled with processes to ensure that agencies implement multilingual accessibility standards, will allow LEP residents access to vital information from basic services to life-saving emergency information and bring Hawai'i into compliance with state and federal laws and regulations.

Thank you for your consideration.

Hawai'i Department of Labor and Industrial Relations, Settlement Agreement (2014); 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, Department of Justice (2015); Hawai'i Public Housing Authority, Settlement Agreement, Hawai'i Civil Rights Commission (2016), Hawai'i Department of Labor and Industrial Relations, Settlement Agreement (2022), and a pending action filed by the National Health Law Program against the Hawai'i Department of Health.



To: The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew Takuya Garrett, Vice Chair
Committee on Labor & Government Operations

From: Paula Arcena, External Affairs Vice President
Mike Nguyen, Public Policy Manager

Hearing: Tuesday, March 21, 2023, 9:30AM, Conference Room 309

RE: **SB814 SD2 Relating to Electronic Information Technology Accessibility for Persons with Limited English Proficiency**

AlohaCare appreciates the opportunity to provide testimony in **support of SB814 SD2**. This measure will require the Office of Enterprise Technology Services, in consultation with the Office of Language Access and a working group comprising stakeholders, to develop and publish electronic information technology standards for multilingual accessibility to be implemented by all state entities. This measure further requires that within six months of the publication of the standards, each state entity shall review the standards and revise the entity's existing procurement and development rules, policies, and procedures to incorporate the standards.

Founded in 1994 by Hawai`i's community health centers, AlohaCare is a community-rooted, non-profit health plan serving over 80,000 Medicaid and dual-eligible health plan members on all islands. Approximately half of our membership are keiki. We are Hawai`i's only health plan exclusively dedicated to serving Medicaid beneficiaries. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating for access to quality health care for all. We believe that health is about supporting whole-person health needs.

AlohaCare's commitment to whole person care includes addressing a variety of social determinants of health, including housing, economic stability, and nutrition among other factors. AlohaCare has identified language access as a top ten health-related social needs affecting our members' health. Compared to other states, Hawai`i has one of the highest proportions of non-English speakers in the nation. According to the 2021 Hawai`i State Data Book¹, approximately 1-in-4, or 26%, Hawai`i residents ages 5 and older speak a language other than English at home. Of those, nearly 1-in-2, or 44%, speak English less than "very well." For our members with limited-English proficiency, AlohaCare provides free language services, such as qualified interpreters and information written in other languages. These languages include Cantonese, Chuukese, French, German, Hawaiian, Ilocano, Japanese, Korean, Mandarin, Marshallese, Samoan, Spanish, Tagalog, Tongan, Vietnamese, and Visayan.

AlohaCare believes the State, too, should ensure equitable language access. For these reasons, we support this measure. Mahalo for this opportunity to testify in **support of SB814 SD2**.

¹ [Research & Economic Analysis | 2021 STATE OF HAWAII DATA BOOK](#)

SB-814-SD-2

Submitted on: 3/18/2023 11:34:04 AM

Testimony for LGO on 3/21/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christy MacPherson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Matayoshi, Vice Chair Garrett and members of the House Committee on Labor and Government Relations,

I am in strong support of SB814 SD2. Everyone in Hawai'i should have equal access to important information put out by our state agencies. Being able to understand written material is key to being able to make the best decisions and do what is necessary in order to live healthy lives.

Mahalo for your consideration.