

**STATE OF HAWAII
OFFICE OF LANGUAGE ACCESS**

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

Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Government Operations

Hearing Date: 2/14/2023

Room Number: Conf. Room 225 &
Videoconference

1 **Agency's Position:** The Office of Language Access (OLA) supports the intent of the Senate Bill
2 814, as it requires the Office of Enterprise Technology Services (ETS), in consultation with the
3 Office of Language Access and a working group composed of stakeholders, to develop and
4 publish electronic information technology multilingual accessibility standards to be implemented
5 by all state entities. We offer the following comments.

6 **Agency's Testimony:** The aspirational and exploratory goal of this measure is in line with
7 OLA's mission, which is to address the language access needs of persons with Limited English
8 Proficiency (LEP). OLA is tasked to provide technical assistance and to coordinate resources to
9 reduce the burden of meeting language access obligations. OLA is charged with providing
10 oversight, central coordination, and technical assistance to all state and state-funded agencies in
11 their implementation of language access compliance.

12 Hawaii is one of the most culturally diverse states and has one of the highest proportions of non-
13 English speakers in the nation. According to the U.S. Census Bureau, 2017-2021 American
14 Community Survey (ACS) 5-year estimates, an estimate of 25.9% or 353,663 of Hawaii
15 residents, 5 years and older, speak a language other than English at home. Of those, 152,929 or
16 11.2% indicated that they speak English "less than very well." English proficiency (or a lack of)
17 has a great impact on people's economic and social activities, and health literacy and wellness. It

1 effects their ability to successfully access education, employment, and important public
2 assistance, benefits, programs and services.

3 Many state agencies are currently using their websites, portals, and digital platforms in a
4 multitude of ways. Digital delivery systems provide critical information and services to our
5 residents, are used to accept applications for important benefits, and to access and manage online
6 accounts. Providing persons with LEP with easy-to-find government digital information could
7 encourage their participation in government services, programs, and activities. Establishing
8 electronic information technology multilingual accessibility standards will provide a critical link
9 to communication and make government services accessible to persons with LEP.

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

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



OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

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Written Testimony of
DOUGLAS MURDOCK
Chief Information Officer
Enterprise Technology Services

Before the
SENATE COMMITTEE ON GOVERNMENT OPERATIONS
TUESDAY, FEBRUARY 14, 2023

SENATE BILL 814
RELATING TO ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBILITY FOR
PERSONS WITH LIMITED ENGLISH PROFICIENCY

Dear Chair McKelvey, Vice Chair Gabbard, and members of the committee:

The Office of Enterprise Technology Services (ETS) is in **support of the intent of** this bill, which requires ETS in consultation with the Office of Language Access and a working group composed of stakeholders, to develop and publish electronic information technology multilingual accessibility standards to be implemented by all state entities. We offer the following comments.

We recommend section (3)(c)(1) be changed as follows:

“(1) Require that all electronic information technology developed, purchased, used, or provided by a state entity be made language accessible to persons with limited English proficiency, as provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); Executive Order No. 13166; Executive Order No. 14031; and chapter 321C, Hawaii Revised Statutes; and”

We also recommend that the definition of "Electronic information technology" be limited as it is currently overbroad for this purpose. For example, operating systems and robotic process automation, among others, should not be included.

We recommend the definition be changed to:

"Electronic information technology" means electronic information, software, systems, and equipment used in the creation, manipulation, storage, display, or transmission of data, ~~including:~~ as defined in the electronic information technology standards for multilingual accessibility.

~~(1) Internet and intranet systems;~~

- ~~(2) Websites and interfaces;~~
- ~~(3) Software applications;~~
- ~~(4) Operating systems;~~
- ~~(5) Video and multimedia;~~
- ~~(6) Telecommunication products;~~
- ~~(7) Electronic and digital kiosks;~~
- ~~(8) Information transaction machines;~~
- ~~(9) Copiers and printers;~~
- ~~(10) Desktop and portable computers;~~
- ~~(11) Robotic process automation; and~~
- ~~(12) Natural language processing.~~

The requirements set forth in the standards may have a chilling effect on procurement and modernization as the cost and rigors of compliance increase. The cost of adding multilingual accessibility capacity to state electronic information systems could cost tens of millions of dollars and add years of time to our modernization schedule.

ETS does not have existing staff for this purpose and adding a Program Manager at a cost of \$100,000 will be necessary to be successful.

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



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

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

Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair

Hearing Date: February 14th, 2023

Dear Chair McKelvey, Vice Chair Gabbard, 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-interpretor-services-at-unemployment-office-is-illegal>



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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 that reads 'Liza Ryan Gill'.

Liza Ryan Gill

Coordinator/Refounder, Hawai'i Coalition for Immigrant Rights



Testimony in SUPPORT of SB814
RELATING TO ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBILITY FOR PERSONS WITH
LIMITED ENGLISH PROFICIENCY

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Angus L.K. McKelvey, Chair

Senator Mike Gabbard, Vice Chair

February 14th, 2023 | 3:10 pm | Conference Room 225

Dear Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

The Legal Clinic (TLC) submits testimony in **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 must ensure equal access, and for many Limited English Proficiency individuals, this technology can be a barrier.

TLC provides immigration legal services to Hawai'i's low-income immigrant and migrant communities, to help keep families unified, and to promote residents' economic self-sufficiency, longer-term security, and civic engagement. As an organization that witnesses first-hand the impact that language access can have on our clients, we believe that the passage of SB814 is a step towards ensuring equal access to critical information for everyone in our state, regardless of the language they speak.

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 processes. We humbly request the passage of SB814 to ensure that all Hawai'i residents, including Limited English Proficiency individuals, have equal access to technology and the benefit it provides in our daily lives.

Mahalo nui for your time and consideration,

Bettina Mok

Executive Director

director@thelegalclinchawaii.org



HAWAII WORKERS CENTER

Defending and Respecting the workers of
Hawai'i

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hawaiiworkerscenter.org 🌐

February 13, 2023

Hawaii State Senate
Committee on Government Operations
Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair

Executive
Committee of the
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Co-Executive
Directors

Tony Doroño

Sergio Alcubilla III,
Esq.

RE: STRONG SUPPORT of S.B. 814 RELATING TO ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBILITY FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY.

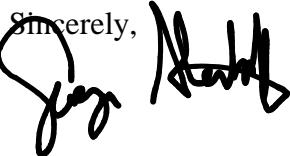
Dear Chair Sen. McKelvey, Vice-Chair Sen. Gabbard, and members of the Committee on Government Operations:

The Hawaii Workers Center envisions a Hawaii in which all workers are empowered to exercise their right to organize for their social, economic and political well-being. It is a resource of information, education, training and organizing for Hawaii's low-wage and immigrant workers.

The Hawaii Workers Center stands in strong support of S.B. 814 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.

As we are well into the 2020s, access to technology has been the difference maker for many communities. As this pandemic has shown, those that are able to navigate the world online has a clear advantage over those that cannot. From applying to unemployment insurance to getting help to keep their small business afloat, access to technology is key. This bill is a step in the right direction in ensuring digital fairness for all, regardless of the language you speak.

The Hawaii Workers Center strongly urge you to pass S.B. 814 so that all can participate in the digital world that we all must now navigate. Thank you for the opportunity to testify on this very important measure.

Sincerely,


Sergio J. Alcubilla
Executive Director



TESTIMONY IN STRONG SUPPORT OF SENATE BILL 814

Wednesday, February 14, 2023, at 3:10 PM
Conference Room 225 & Videoconference

To: Senator Angus McKelvey, Chair
Senator Mike Gabbard, 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**.

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.

SB-814

Submitted on: 2/12/2023 9:04:32 AM

Testimony for GVO on 2/14/2023 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	In Person

Comments:

Aloha Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

As a public health professional and child of Vietnamese refugees, I write in strong 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 essential for the state's economic prosperity by 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.

Please pass SB814 and assure that all current and future members of the Hawai'i workforce, including Limited English Proficiency individuals, have equal access to technology and the benefit it provides for our state's economic health.

With thanks,

Thaddeus Pham (he/him)

SB-814

Submitted on: 2/12/2023 8:31:32 PM

Testimony for GVO on 2/14/2023 3:10:00 PM

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

Comments:

I am in strong support of SB814. 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.

SB-814

Submitted on: 2/12/2023 9:10:09 PM

Testimony for GVO on 2/14/2023 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Godbey Carson	Individual	Support	Written Testimony Only

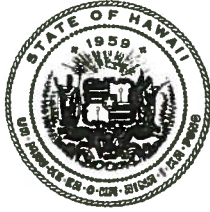
Comments:

Aloha.

I support this bill, which can help our state agencies provide more understandable critical information and services to our residents with limited English proficiency. Providing persons with LEP with easy-to-find government digital information could help all our residents participate more fully in government services, programs, and activities which can help them be more productive citizens.

Thank you for consideration of my testimony

Ellen Godbey Carson



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
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LATE

February 14, 2023

TESTIMONY TO THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

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

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

Senate Bill 814 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 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 electronic information technology 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

LATE

Marcella Alohalani Boido, M. A.
Hawai'i State Judiciary Certified Spanish Court Interpreter (Tier 4)
Moili'ili, Honolulu, Hawaii 96826

Testimony in **SUPPORT** of SB 814

To: Sen. Angus L.K. McKelvey, Chair; Sen. Mike Gabbard, Vice Chair
Members, Committee on Government Operations
Hearing: February 14th, 2023, 3:10 p.m.; Room 225

Dear Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

Thank you for hearing this bill.

A significant percentage of Hawaii residents and visitors are Limited-English Proficient. Both those who live and work here, and those who visit, contribute to our community and economy. They deserve to be able to easily access government information. Equal language access should be part of our local, political culture. It is inclusive, respectful, and appreciative of these folks. It is an aspect of aloha.

Government offices need guidance and standards on how to provide this equal language access. SB 814 sets out a process for developing these standards. The result should be to provide these much needed standards for communications and technology.

I urge you to give this bill your most thoughtful and supportive consideration. Please pass SB 814.

Thank you.

LATE

SB-814

Submitted on: 2/13/2023 9:31:49 PM

Testimony for GVO on 2/14/2023 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Raiza Dalofin	Individual	Support	Written Testimony Only

Comments:

I support this bill!

LATE



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: Senate Committee on Government Operations
Re: **SB 814 - Relating to Electronic Information Technology Accessibility for Persons with Limited English Proficiency**
Hawai'i State Capitol and via videoconference
February 14, 2023, 3:10 PM

Dear Chair McKelvey, Vice Chair Gabbard, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing **in SUPPORT of SB 814**. 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.

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 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

**HCAN Speaks! Board
of Directors**

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Secretary

Teri Keliipuleole
Jasmine Slovak
Erica Yamauchi

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/>