



STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS

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To: Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S. L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Senate Committee on Ways and Means

From: Helena Manzano
Executive Director, Office of Language Access

Date: April 4, 2016, 9:15 a.m.
State Capitol, Room 211

Re: Testimony on H.B. 2226 H.D.2
Relating to Language Access

The Office of Language Access (“OLA”) appreciates the opportunity to testify on H.B. 2226 HD 2 Relating to the Office of Language Access. My name is Helena Manzano, OLA’s Executive Director since February 2015. OLA **strongly supports the intent** of H.B. 2226 HD 2, which provides the funding needed to restore the original staffing, functions, and operations of the office as was intended by the legislature when Hawaii’s Language Access law and this office was established by statute in 2006.

The purpose of OLA’s enabling statute (Hawaii Revised Statutes 321C) is to address the language access needs of limited English Proficient (LEP) persons and ensure their meaningful access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other state-funded agencies (including the counties). Under this law, OLA is charged with providing oversight, central coordination, and technical assistance to all state and state-funded agencies in their implementation of language access compliance – now a civil right under both state and federal law.

When OLA was created nearly 10 years ago, the office’s staff of six was able to provide much needed services and guidance to agencies as they worked toward compliance with not only state language access law, but with federal regulations as well. When the 2009 Reduction-In-Force brought OLA’s staff down to one, so too did the degree of the state’s compliance. The office eventually received enough funds to restore two of the five lost positions in 2012. However, OLA continues to lack the manpower needed to provide adequate technical assistance and compliance monitoring that meet agencies’ needs since OLA has continued to operate with half the staffing as originally intended by the 2006 legislature.

Moreover, in 2013, Act 217 added additional responsibilities to the office by creating a language access resource center and a multi-lingual website pilot project. Act 217 contemplated five additional staff; however, the appropriation in that measure, and delayed release thereof, was inadequate to timely and effectively staff and operate these additional programs. This has greatly increased the office’s workload without sufficient resources to support these new functions – leaving the execution of both LARC and OLA functions – work intended for 11 staff members, on the shoulders of just three: an executive director, a legal analyst, and a secretary.

In the last few years, we have seen a marked increase in expensive and time-consuming legal action and compliance monitoring of our state agencies from civil rights divisions of various federal agencies. For example, last May, our State Department of Transportation settled a federal class action suit claiming that Hawaii violated language access law by failing to provide translations of our drivers' license exam in a manner that constituted intentional discrimination. At least three other major state departments have also been sued, investigated, and/or monitored by federal agencies for lack of compliance.

Our observations and discussions with these agencies indicate how important and cost-effective it is for them to be proactive with OLA's assistance. Once the federal authorities begin to monitor and scrutinize an agency's language access efforts, many of our state agencies find they lose much of their control over time, resources, and manner of administration in favor of how 'the feds' believe they should conduct business. (For example, it took nearly eight years for Hawaii's Department of Human Services to finalize its resolution agreement with the U.S. Department of Health and Human Services – Office for Civil Rights in response to their investigation of a language access complaint.)

Our county agencies, who are bound by our language access law as "covered entities", have also been subject to legal action and compliance monitoring by the federal authorities. Most recently, language access was an important feature of a law suit by the ACLU against the City and County of Honolulu for its alleged failure to provide adequate notice about the storage and destruction of the property of the homeless - a significant proportion of which are LEP.

Needless to say, there is much work for OLA to do to assist our state and state-funded agencies in understanding and meeting its civil rights obligations to provide language access. The office intends to have enough staff and operational capacity to work effectively and proactively with our agencies in implementing their language access efforts and complying with its federal and state civil rights obligations. With our assistance, we hope the state and state-funded agencies can avoid costly penalties and expense through so-called "voluntary compliance" or lost federal funding.

BACKGROUND ON THE CIVIL RIGHT TO LANGUAGE ACCESS

Title VI of the Civil Rights Act of 1964 prohibits discrimination by federal and federally-funded agencies on the basis of national origin, race or color. If an agency is found in violation of Title VI, that agency may lose its federal funding. This civil rights obligation applies to a significant proportion of our state and county agencies, as well as non-profits.

Executive Order 13166 by President Clinton in 2000 specifically reinforced and emphasized the nondiscrimination provisions of Title VI; and sought to apply related case law which held that discrimination by federal or federally-funded agencies against those with limited English proficiency constitutes national origin discrimination. With its related regulatory guidance, Executive Order 13166 directed federal agencies to develop and implement a system by which LEP persons could meaningfully access an agency's services.

Hawaii's language access law - passed in 2006 and codified under HRS 321C - directly reflects the principles, directives, and recommendations of Title VI, Executive Order 13166, and related regulations; requiring even more from state and state-funded agencies.

OLA appreciates this committee for its commitment to language access and for the opportunity to provide this testimony.

Legislative Testimony

Date: April 1, 2016

From: Office of Language Access Advisory Council
Dominic Inocelda, Chairperson and OLA Advisory Council Members

SUBJECT: **Support of HB 2226, HD2 -Relating to the Office of Language Access**

Honorable Chair Jill N. Tokuda, Committee on Ways and Means, and Honorable Chair Gilbert S.C. Keith-Agaran, Committee on Judiciary and Labor

The Office of Language Access Advisory Council at its meeting on February 4, 2016, unanimously voted to support legislative request to appropriate funds to increase staffing for the Office of Language Access. As HB 2226, HD2 asks to appropriate funds for three full-time positions for the OLA office, the OLA Advisory Council writes in support of HB 2226, HD2.

The OLA Advisory Council is made up of members who represent various entities and organizations that have a special interest in promoting the purpose and goals of the Office of Language Access as referenced by Act 290, Session Laws of Hawaii 2006, and amended by Act 201, Session Laws of Hawaii 2012. This act seeks to ensure that limited English proficient individuals have meaningful access to state-provided and state funded services in Hawaii.

The Advisory Council is in full agreement with HB 2226, HD2, which seeks to increase the current staffing of the Office of Language Access with the addition of two full-time permanent researcher positions and one full-time permanent office assistant position. This staffing level would greatly promote the office's ability to carry out its duties and functions as originally designed.

Although current staffing which was severely reduced in the State's reduction of force in 2009, has maintained the work of promoting language accessibility by increasing the number of trained interpreters, improving the understanding of Hawaii's language access laws and rights of persons who speak little or no English, responding to complaints about limited language access supports, and increasing the number of covered entities that have developed and implemented language access plans, the full functions of the office have not been addressed or implemented. We are in full support of increased staffing to ensure that the OLA office can more effectively do its work to improve language access for all in Hawaii.

On behalf of the Office of Language Access Advisory Council, I want to restate our **position of full support for HB 2226 HD2**, and ask for your serious considering of support and passage in your joint committees. Thank you for the opportunity to provide this testimony of support of HB 2226. HD2.



Committee: Committee on Judiciary and Labor
Committee on Ways and Means
Hearing Date/Time: Monday, April 4, 2016, 9:15 a.m.
Place: Conference Room 211
Re: Testimony of the ACLU of Hawaii in Support of H.B. 2226, H.D.2, Relating to the Office of Language Access

Dear Chair Keith-Agaran, Chair Tokuda, and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 2226, H.D.2, which appropriates funds for three full-time positions within the Office of Language Access.

The Office of Language Access was established to support agencies in their compliance with state language access law, which requires agencies to take reasonable steps to ensure meaningful access to their programs and activities by Limited English Proficiency (“LEP”) persons. According to the U.S. Census Bureau, 24.8 percent of people living in Hawaii speak a language other than English at home, and only 54.5 percent of this population is able to speak English “very well.”

The ACLU of Hawaii often works with homeless individuals and families, many of whom are LEP and have difficulty accessing state services because they do not understand the language. This perpetuates the cycle of poverty and homelessness. To achieve the state’s goal of alleviating homelessness, it is imperative that the Office of Language Access is sufficiently staffed to ensure that Hawaii’s LEP population is afforded equal access to necessary state services.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Mandy Finlay". The signature is written in a cursive, flowing style.

Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

American Civil Liberties Union of Hawaii
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CATHOLIC CHARITIES HAWAII

TO: Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor

Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Committee on Ways and Means

FROM: Melba Bantay, Immigration Program Director

DATE: Monday, April 4, 2016 (9:15 a.m., Room 211)

RE: **HB 2226, HD2, Relating to the Office of Language Access**

Catholic Charities Hawai'i supports HB 2226, HD1, Relating to the Office of Language Access, to appropriate funds for 3 full-time equivalent permanent positions within the Office of Language Access.

As a member of the OLA Advisory Board, I recognize the excellent and important work that OLA does to ensure that individuals with Limited English Proficiency are able to access information and resources.

This bill will add two full-time permanent researcher positions and one full-time permanent office assistant position so that the office may successfully carry out its important role in promoting language accessibility, improving the understanding of laws related to language access, responding to complaints about lack of language accessibility for limited English proficient individuals, and providing support for covered entitled with the development and implementation of language access plans.

Thank you for this opportunity to provide testimony in support of HB 2226, HD2.

FILIPINOS FOR AFFIRMATIVE ACTION

P.O. Box 61626 Honolulu, HI 96839

TESTIMONY IN STRONG SUPPORT OF HB2226 HD2

Submitted to

Senate Committee on Judiciary and Labor & Senate Committee on Ways and Means

Hawai`i State Capitol, Conference Room 211

April 4, 2016, 9:15 am

TO: Chair Gilbert Keith-Agaran and Chair Jill Tokuda
Vice-Chair Donovan Dela Cruz and Vice Chair Maile Shimabukuro
Members of the Senate Committees on Judiciary and Labor and Ways and Means.

FR: Agnes Malate
Filipinos for Affirmative Action

RE: IN SUPPORT OF HB2226 HD2 RELATING TO OFFICE OF LANGUAGE ACCESS

My name is Agnes Malate. As a Board Member of the Filipinos for Affirmative Action (FFAA) I am in full support of HB 2226 HD2 to establish three full-time equivalent (3.0 FTE) permanent positions within the Office of Language Access (OLA).

First of all, I would like to thank the Legislature in having the foresight to establish the Office of Language Access (OLA) ten years ago. OLA serves an important role in providing equal access to services offered by state and state-funded agencies for persons who have limited proficiency in English. FFAA supported the passage of Hawai`i's Language Access Act in 2006, which was a major milestone in decades long efforts by numerous agencies and community groups who have advocated for limited English proficient individuals to have equal access to state and government services, programs, and activities.

In 2009, OLA's staff was reduced from six to five, retaining only the executive director position. Since then two positions have been restored in 2013, however, three critical positions remain vacant. As a result, OLA has not been able to fully meet its original statutorily-mandated charge to ensure that state agencies are in compliance and to provide technical assistance. Numerous state agencies have been unable to implement key components of their language access plans due to lack of oversight and technical assistance. Funding the three positions is necessary to support operational costs to monitor, review, and assist agencies in complying with language access requirements. Further delay in filling these positions could result in greater cost to the State in the long-term if agencies are found noncompliant.

I urge you to preserve the intent of the Language Access Act and ensure that OLA continues to fulfill its vital role. Thank you for the opportunity to provide testimony on this bill and for the Legislators' continued support of the Office of Language Access.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 02, 2016 9:43 PM
To: JDLTestimony
Cc:
Subject: Submitted testimony for HB2226 on Apr 4, 2016 09:15AM

HB2226

Submitted on: 4/2/2016

Testimony for JDL/WAM on Apr 4, 2016 09:15AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Khara Jabola Carolus	Faith Action for Community Equity	Support	No

Comments: On behalf of the Hawai'i Coalition for Immigrant Rights (HCIR), the immigration arm of Faith Action for Community Equity (FACE), I would like to thank the Committee for this opportunity to testify. H.B. 2226, if enacted, would provide the funding needed to restore the Legislature's intended staffing levels, functions, and operations of the Office of Language Access (OLA). HCIR strongly supports this bill as an important step toward guaranteeing implementation of state and federal mandates for language access. HCIR is the only organization in Hawai'i that coordinates policy advocacy to increase opportunities for immigrants in the state. Through our community work, we know that the state does not have the basic structures to welcome immigrants although much has been done by this body to address the extensive needs of immigrants through language access. Since the fiscal crisis of 2009, OLA has been stretched to its outer limits with just three staff being made to perform work intended for 11 staff members. This is genuinely troubling given that Hawai'i is among the top five states with the highest percentage of foreign-born residents. Unfortunately, the Legislature's underfunding of OLA has resulted in significant financial loss to the state through costly legal action and compliance monitoring. As recently as last may, at least four major state departments have also been sued, investigated, and/or monitored by federal agencies for lack of compliance. This measure is an opportunity to save the state precious resources, as well as protect civil rights of newcomers. Accordingly, we request that your Committee PASS the H.B. 2226. Thank you for the opportunity to provide testimony.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Wayne Scott
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Date: April 4, 2016

To: Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Senate Committee on Judiciary & Labor

Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Senate Committee on Ways & Means

Re: Testimony on **H.B. 2226 HD2**- Relating to the Office of Language Access

The Hawaii Filipino Lawyers Association (HFLA) appreciates the opportunity to submit this testimony in strong support of HB2226 HD2 relating to the Office of Language Access.

This bill would help ensure our state's compliance with civil rights laws by providing the funds to adequately staff and operate the Office of Language Access (OLA), as this has been a challenge since the office was stripped of the majority of its resources during the budget cuts and reduction-in-force during the financial crisis in 2009.

We are also excited about the new leadership at the helm of OLA and its concerted focus on civil rights compliance across all branches of government.

Among one of the purposes of the HFLA is to advocate for the interests of the Filipino community in Hawaii. A significant proportion of those with limited English proficiency in Hawaii are Filipino; and our membership would like to ensure that their access to government and government-funded services is not hindered by language.

Moreover, as attorneys, we think it is essential that our state is compliant with the civil rights laws that prohibit discrimination based on language ability due to national origin. We understand that failure to follow the law in this area may mean a reduction or removal of federal funds to services that are essential to Hawaii's Filipino community.

Thank you for this opportunity to testify on this measure in support.

The purposes of the HFLA are: to promote participation in the legal community by Filipino lawyers; to represent and to advocate the interests of Filipino lawyers and their communities; to foster the exchange of ideas and information among and between HFLA members and other members of the legal profession, the Judiciary and the legal community; to encourage and promote the professional growth of the HFLA membership; to facilitate client referrals and to broaden professional opportunities for Filipino lawyers and law students.

April 4, @ 9:15 am

HB2226 HD2 (Funding for OLA positions) will be heard before **JDL/WAM** -- [Monday, April 4th at 9:15am.](#)

TO: Chair Tokuda and Chair Keith and members of JDL/WAM Committees

FROM: Amy Agbayani, Co-chair Hawaii Friends of Civil Rights

RE: HB 2226 hd2 Relating to the Office of Language Access

I am representing the Hawai'i Friends of Civil Rights (HFCR) in support of HB 2226, hd2 which provides funds and positions for the Office of Language Access. HFCR supports policies, programs and individuals who are committed to state and federal laws relating to equal rights and non-discrimination. We see language access as a civil rights issue for our multilingual community.

HFCR strongly supports hb 2226, hd2 which will provide positions and funds to effectively implement the state and federal mandates for equal access. It is necessary to have competent staff to provide services to support state agencies provide access to their services. This will allow Hawaii community members whose first language is not English to access state and other services and help them fully participate fully. With additional staff, state and other needed services will become accessible and will help these residents, many of whom are low-income and seeking to improve their education and employment skills.

Sent from my iPhone

Testimony presented by
Lucia Aranda
Professor, Department of Languages and Literatures of Europe and the Americas
College of Languages, Linguistics, and Literature
University of Hawai'i at Mānoa

April 3, 2016

Support for HB2226
Appropriation of funds for the Office of Language Access

I am a professor in the University of Hawai'i at Mānoa's Department of Languages and Literatures of Europe and the Americas and Director of the Center for Interpretation and Translation Studies, a center with the University's College of Languages, Linguistics and Literature writing in support for HB2226 which would appropriate funds for three positions in the Office of Language Access.

I would like to express to the committee the importance of the Office of Language Access (OLA) in a multilingual state such as ours. Our position in the Pacific, both geographically and politically, means that Hawai'i is a destination for a myriad number of people from all over the world but especially from surrounding states. Unfortunately, not all those who arrive to our shores come so speaking or reading English. While this enhances our rich linguistic life, the fact is that the lack of knowledge of English hinders these immigrants' relationships at many levels.

The Office of Language Access plays a crucial role in mediating between this non-English community and the different government institutions with whom they come into contact. In spite of OLA's efforts, the lack of personnel to implement the tasks with which it is charged seriously impedes its ability to function in an efficient and effective manner.

I urge the legislature to support the funding of these positions so that OLA can truly serve the public and help bridge the gaps between the government, the community and the individuals that OLA assists.

Thank you very much for the opportunity to testify.

Legislative Testimony

To: Senate Committee on Commerce, Consumer Protection and Health
Senator Rosalyn H. Baker, Chair
Senator Michelle N. Kidani, Vice Chair

Senate Committee on Judiciary and Labor
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

From: Patricia Harpstrite
Federally Certified Court Interpreter
Hawaii Judiciary Master Certified Interpreter

Date: Monday April 4, 2016, 9:15 a.m.
State Capitol, Conference Room 211

Re: Testimony in Support of H.B. 2226, HD2 - Relating to the Office of Language Access

As a professional interpreter and translator, I am writing to express my support for HB2226, HD2, which will provide the funding to restore the three permanent, full-time positions for the Office of Language Access that were lost during the state's financial crisis.

Without the necessary staffing, the Office of Language Access struggles to provide the technical assistance and monitoring needed to assist state agencies to comply with Hawaii's language access law and with federal civil rights requirements, and our state has experienced costly legal action due to lack of compliance with federal civil rights requirements.

In a state where persons with Limited English Proficiency (LEP) make up a significant percentage of our population, language services are essential to provide these individuals with access to justice, healthcare, education and social services. The Office of Language Access plays a vital role in enabling them to participate more fully in our society.

Thank you for the opportunity to submit testimony in strong support of language access.

Sincerely,

Patricia Harpstrite
Federally Certified Court Interpreter
Hawaii Judiciary Master Certified Interpreter

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2016 4:05 PM
To: JDLTestimony
Cc:
Subject: Submitted testimony for HB2226 on Apr 4, 2016 09:15AM

HB2226

Submitted on: 4/1/2016

Testimony for JDL/WAM on Apr 4, 2016 09:15AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Rebeca Zamora	Individual	Support	No

Comments: Please support this Bill, Rebeca Zamora

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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