

SB2285

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| Measure Title: | RELATING TO LANGUAGE ACCESS. |
| Report Title: | Office of Language Access; Statewide Language Access Resource Center; Multilingual Website Pilot Project; Appropriation (\$) |
| Description: | Appropriates funds to continue the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access. |
| Companion: | HB2227 |
| Package: | None |
| Current Referral: | CPH, WAM |
| Introducer(s): | CHUN OAKLAND, Baker |



STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS

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

From: Helena Manzano
Executive Director, Office of Language Access

Date: February 4, 2016, 9:00 a.m.
State Capitol, Room 414

Re: Testimony on S.B. 2285
Relating to Language Access

The Office of Language Access (“OLA”) appreciates the opportunity to testify on S.B. 2285 Relating to Language Access. My name is Helena Manzano, Executive Director of the Office of Language Access (OLA). OLA **strongly supports the intent** of S.B. 2285 which provides the funding needed by OLA to operate the Language Access Resource Center (LARC) and Multilingual Website Pilot Project – programs of OLA created by Act 217 Session Laws Hawaii 2013.

The Language Access Resource Center and Multilingual Website Pilot Project enable state and state-funded agencies to better serve those with limited English Proficiency (LEP) by assisting them with their compliance with applicable federal and state language access laws.

Since Act 217 became effective on July 1, 2013, OLA has set into motion the steps to hire staff and begin the work of the LARC and the Multilingual Website Pilot Project. However, OLA is unable to execute these initiatives as intended because the appropriation given by the 2013 legislature was less than half that was projected and requested. No other appropriations have been made to fund these projects since.

Together with the appropriations that have been drafted into **SB2284** -which would restore original staffing for OLA (not yet scheduled for hearing) - the office will be able to function as intended when Hawaii’s Language Access law was established by statute in 2006.

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 (LEP) 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. Act 290 (SLH 2006) also created OLA, the purpose of which is to address the language access needs of 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). OLA was thus charged with providing oversight, central coordination, and technical assistance to state and state-funded agencies in their implementation of language access compliance – now a civil right under both state and federal law.

Therefore, 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 compliance. Although the office eventually received enough funds to restore two of the five lost positions, it continues to lack the manpower needed to provide adequate technical assistance and compliance monitoring that meet agencies' needs.

In the last few years, we have seen a marked increase in legal action and compliance monitoring from civil rights divisions of various federal agencies. For example, last May, our State Department of Transportation settled a class action suit in federal court which claimed the agency violated language access law by failing to provide translations of its drivers' license exam in a manner that constituted intentional discrimination. We are aware of three other major state departments that 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 have found they have lost 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 have also been subject to legal action and compliance monitoring by the federal authorities. 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 property of the homeless - a significant percentage 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 their 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 state and state-funded agencies can avoid costly penalties and expense through so-called "voluntary compliance" or lost federal funding.

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

HAWAII FILIPINO LAWYERS ASSOCIATION

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Date: February 4, 2016

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

Re: Testimony on S.B. 2285 - Relating to Language Access

The Hawaii Filipino Lawyers Association (HFLA) appreciates the opportunity to submit this testimony in strong support of SB2285 relating to language access.

Among some of the purposes of the HFLA are to advocate for the interests of the Filipino community in Hawaii; and to broaden professional opportunities for Filipino attorneys.

Our organization is a strong proponent of language access as a matter of civil rights law. We believe that the Language Access Resource Center and the Multilingual Website Pilot Project are valuable tools for improving government compliance with language access law; therefore, we fully support it.

Moreover, a multilingual website and publicly available online roster of interpreters and translators will greatly assist our membership of attorneys who have clients who don't speak English well. Since these resources will be available to the public, we can consult them; refer our limited English proficient (LEP) clients to it for information; and find language service providers to help ensure our representation of the LEP community is as accurate and effective as possible. We also believe that these efforts are in keeping with our increasing multi-media and digital connectedness.

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.

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: Dinocelda@susannahwesley.org
Subject: Submitted testimony for SB2285 on Feb 4, 2016 09:00AM
Date: Tuesday, February 02, 2016 9:53:19 PM

SB2285

Submitted on: 2/2/2016

Testimony for CPH on Feb 4, 2016 09:00AM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dominic Inocelda | Individual | Support | No |

Comments: My name is Dominic Inocelda. As a community member who is supportive of language access for those with limited or no English proficiency I would like to fully support SB 2285. I know of the long effort that the Office of Language Access staff have put in to make a website available to the community. The continuation and completion of this effort is a vital component in promoting communication and making the OLA office and the language access resources available through electronic and digital media. I see this as a great tool as the OLA office carries out its duties and functions to promote language access. Thank you for the opportunity to provide my 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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Testimony for Public Hearing
February 2, 2016

Re: S.B. No. 2285 (Committee on Commerce, Consumer Protection, and Health) – An Act Relating to Language Access

Aloha,

I am a graduate student of the Social Work Master Program at the University of Hawaii, and I am submitting this testimony in support of SB No. 2285 in relation to Language Access. I support this Act appropriating funds to further develop the statewide language access resource center and multilingual website pilot project.

I believe that the multilingual websites will be incredibly helpful for people with Limited English Proficiency (LEP). It is social justice to assure the access to the information about important rights which people with LEP in Hawaii also are supposed to enjoy. The multilingual websites are one of the practices of social inclusion of diverse population. The websites in their own languages would give great psychological relief to those who are from other countries and speak other languages. Also, it would be beneficial for the state offices, too; it helps people with LEP to have complete understandings about their responsibilities in Hawaii.

I speak English as my second language. Getting information in own native language is much more productive and accurate. Tiny misunderstanding of a word causes huge extra work for both of a person fo LEP and office workers at the state offices. Multilingual websites will ease their frustration becuase of language.

Moreover, as a former intern student, I know the great enthusiasm of staff members in the Office of Language Access. People often might think that interpretation/ translation between own native language to English is easy if you know both languages. However, their contribution for multilingualism should be recognized and appreciated more in our society. I would like to ask you to consider adequate funding to maintain their valuable services.

For these reasons, I support this act SB. 2285.

Thank you for your time and attention to my testimony.
Mahalo,

Yoko Toyama
MSW Student
Myron B. Thompson School of Social Work
The University of Hawaii at Manoa