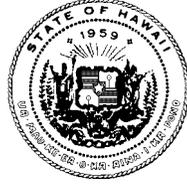


DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 7, 2022

TO: The Honorable Joy A. San Buenaventura, Chair
Committee on Human Services

The Honorable Senator Sharon Y. Moriwaki, Chair
Senate Committee on Government Operations

FROM: Cathy Betts, Director

SUBJECT: SB 2459 – RELATING TO LANGUAGE ACCESS.

HEARING: February 8, 2022, 3:00 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of this measure and defers to the Office of Language Access (OLA) and other impacted departments.

PURPOSE: The purpose of this measure requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. Appropriates funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawaii emergency management agency.

DHS provides benefits and services to one in three residents in Hawaii. DHS strives to encourage self-sufficiency and supports the well-being of individuals, families, and Hawaii's communities through its major benefit programs that provide financial assistance, Supplemental Nutrition Assistance Program (SNAP), medical insurance coverage through Med-

QUEST, vocational rehabilitation services, and protective services for vulnerable children and adults.

DHS is committed to removing language barriers that may prohibit qualified residents from fully participating in DHS programs that lead to self-sufficiency and improved well-being. The LEP coordinator is essential to the department's LEP program. State and federal laws require DHS and other 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.

The LEP coordinator position requires knowledge of the needs of both oral and written communication of Hawaii's diverse LEP client population, federal and state laws and regulations public administration policies and principles, utilization of information systems and related technologies, and effective communication and presentation techniques.

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

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
www.labor.hawaii.gov

ANNE PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

February 8, 2022

To: The Honorable Joy A. San Buenaventura, Chair,
The Honorable Les Ihara, Jr., Vice Chair, and
Members of the Senate Committee on Human Services

The Honorable Sharon Y. Moriwaki, Chair,
The Honorable Donovan M. Dela Cruz, Vice Chair, and
Members of the Senate Committee on Government Operations

Date: Tuesday, February 8, 2022
Time: 3:00 p.m.
Place: Conference Room 225, State Capitol

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. 2459 RELATING TO LANGUAGE ACCESS

Chairs San Buenaventura & Moriwaki, Vice Chairs Ihara & Dela Cruz, and Members of the Committee:

My name is Anne Perreira-Eustaquio, and I am the Director of the Department of Labor and Industrial Relations (DLIR). I am testifying in support of SB2459, specifically Section 2, which requires the Executive Director of the Office of Language Access (OLA) to submit an annual report to the Legislature and defer to the departments identified in other sections of the measure.

The DLIR strongly supports strengthening the means of the Office of Language Access's ability to assure compliance with state and federal language access laws through an annual report to the Legislature. During the interim between the 2021 and 2022 Legislatures, the DLIR convened a Working Group pursuant to HCR169 to improve access to government services for immigrants and increase immigrant opportunities to make civic and economic contributions to the community.

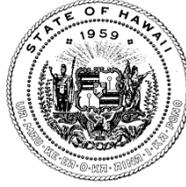
The report¹ detailed the absolutely vital role that immigrants, especially those with Limited English Proficiency (LEP), play in Hawaii's economy, workforce and community. However, despite immigrants' integral contributions, foreign-born residents still encounter significant barriers to full integration into Hawai'i as they encounter barriers across a variety of domains, including legal, language, financial, citizenship, and cultural literacy ones, amongst others.

Therefore, the Working Group identified bolstering the state's language access law and provision of language access resources as another important component to addressing current immigrant needs in accessing state services.

Requiring OLA to annually report to the Legislature will furnish the Legislature with crucial, timely information on the status of the State's efforts to enhance and promote language access. Strengthening OLA's ability to help assure compliance with state and federal language access laws will help the agency effectuate implementation and delivery of state agencies' language access plans.

Thank you for the opportunity to testify on this vital matter.

¹ <http://labor.hawaii.gov/wp-content/uploads/2021/12/HCR169-Report20211200.pdf>



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASH
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 8, 2022
3:00 p.m.
State Capitol, Teleconference

S.B. 2459
RELATING TO LANGUAGE ACCESS

Senate Committees on Human Services and Government Operations

The Department of Transportation (DOT) **supports** this bill which imposes a requirement on the Office of Language Access (OLA), Department of Health, to provide an annual written report on compliance with state and federal language access laws for state agencies and covered entities and the appropriation of funds to establish Limited English Proficiency (LEP) language coordinator positions for departments of commerce and consumer affairs, health, agriculture, and Hawaii emergency management agency.

The DOT offers the following comment regarding this bill:

Regarding the annual reporting requirement, greater reporting and establishment of benchmarks from the OLA will assist with efforts to ensure compliance with state and federal language access laws for all state agencies.

Regarding the appropriation of funding to establish LEP language coordinator positions, the establishment of a permanent position to ensure compliance with state and federal language access laws is a better practice than to designate an individual with the duties of language access coordinator who may already be otherwise preoccupied with other duties.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON HUMAN SERVICES
AND
GOVERNMENT OPERATIONS

FEBRAURY 8, 2022

3:00 P.M.

CONFERENCE ROOM 225 & VIA VIDEOCONFERENCE

SENATE BILL NO. 2459
RELATING TO LANGUAGE ACCESS

Chairpersons San Buenaventura, Moriwaki, and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2459. The bill requires the Office of Language Access (OLA) to submit an annual report to the Governor and Legislature and appropriate funds to establish a Limited English Proficiency Language Coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawaii Emergency Management Agency. The Department supports this bill and offers comments.

The Department values the diversity of the public, including residents and visitors, our clients and stakeholders, and seeks to foster an inclusive environment that respects individual language preferences and provides language accessible services to Limited English Proficient (LEP) individuals accessing, participating or benefiting from



our services, programs and activities. The Department endeavors to take reasonable steps to deliver meaningful access of our programs and services to those eligible or likely to be encountered who do not speak English as their primary language or those who have a limited ability to read, write, speak, or understand English.

To this end, the Department continues to collaborate and partner with OLA to further enrich our language access program. The Department's recent accomplishments to provide appropriate language access to our services, programs and activities include:

- updating our Language Access Plan (LAP) in 2019 and 2021;
- training our employees how to identify an LEP individual's native language and how to provide appropriate language services for them;
- procuring a vendor to provide telephonic interpretive services for all of our programs; and
- the inclusion of Babel notices on the Department's website informing LEP individuals in fourteen languages that they may call for help in their native language.

While the Department has taken the aforementioned steps to deliver meaningful access to those who have a limited ability to communicate in English, a dedicated Language Access Coordinator will significantly enhance DOA's ongoing efforts in this area. The Department is highly motivated to continue servicing its non-English speaking stakeholders and the public at large and supports this bill.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ
EXECUTIVE DIRECTOR

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IN REPLY, REFER TO:
OCS 22.1028

February 4, 2022

To: The Honorable Joy A. San Buenaventura, Chair,
The Honorable Les Ihara, Jr., Vice Chair, and
Members of the Senate Committee on Human Services

The Honorable Sharon Y. Moriwaki, Chair,
The Honorable Donovan M. Dela Cruz, Vice Chair, and
Members of the Senate Committee on Government Operations

Date: Tuesday, February 8, 2022
Time: 3:00 p.m.
Place: Conference Room 225, State Capitol & videoconference

From: Jovanie Domingo Dela Cruz, Executive Director
DLIR – Office of Community Services

Re: S.B. 2459 – RELATING TO LANGUAGE ACCESS

I. OVERVIEW OF PROPOSED LEGISLATION

S.B. 2459 would require the Executive Director of the Office of Language Access (OLA) to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. The bill would also appropriate for Fiscal Year 2022-2023 an unspecified sum to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, Agriculture, and in the Hawaii Emergency Management Agency. Each of these four positions would be 1 FTE.

II. CURRENT LAW

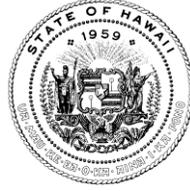
Currently, the statute that establishes the Office of Language Access, HRS Chapter 321C, does not require the Executive Director of OLA to submit annual reports to the Governor or the Legislature, nor is there currently a statutory requirement or funding for coordinators for Limited English Language Proficiency in DCCA, the Department of Health, the Department of Agriculture, or the Hawaii Emergency Management Agency. These would be new positions.

III. COMMENTS ON THE PRESENT BILL

The Office of Community Services (OCS) is pleased to support this bill, which would assist two of OCS's core constituencies, namely immigrants and refugees. OCS was created by the Legislature by Act 305, SLH 1985, codified as Chapter 371K, Hawaii Revised Statutes. The mission of OCS is to eliminate the causes and conditions of poverty for economically disadvantaged persons, immigrants, and refugees in the State of Hawaii, by facilitating and enhancing the development, delivery, and coordination of effective programs for these persons and communities to enable them to achieve and maintain greater economic self-sufficiency and integration into Hawaii's society.

Having OLA provide annual reports would be very helpful to keep all of us who serve the immigrant community in Hawaii apprised of new developments and new activities. We look forward to enhanced coordination with OLA, and to the opportunity to interact with the new Language Access coordinators in the named departments and in HEMA.

As always, we look forward to helping the Legislature and our sister agencies in any way that we reasonably can. Thank you very much for the opportunity to testify.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310
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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Human Services & Government Operations
Tuesday, February 8, 2022
3:00 p.m.
Via Videoconference**

**On the following measure:
S.B. 2459, RELATING TO LANGUAGE ACCESS**

Chair San Buenaventura, Chair Moriwaki, and Members of the Committees:

My name is Catherine P. Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (Department). The Department appreciates the intent of this bill and offers comments on sections 1 and 3.

This bill requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access, and appropriates funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawaii emergency management agency.

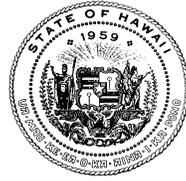
The Department provides language access pursuant to Chapter 321C Hawaii Revised Statutes, including providing telephonic translations services available to callers at no cost. In addition, the Department has translated some materials into other languages and maintains a listing of multilingual employees who are willing to assist the Department's customers. The Department is not aware of complaints or comments

regarding any deficiencies in the provision of language access services to the consumers, applicants, licensees and registrants that use its services. That said, the Department is willing to consider additional ways to assist its customers who have limited English language proficiency.

As a department that does not receive any general funds, the Department appreciates that section 3 of the bill appropriates an unspecified amount from the general revenues of the state for fiscal year 2023 for the establishment of one FTE limited English proficiency language coordinator position in the Department. However, the Department is concerned about how sustainable that source of funding will be in the future. Also, the Department is concerned that the appropriation of funds for this purpose may be premature in that a robust evaluation of the state departments' needs for language access assistance has not been completed. The Department respectfully suggests in the alternative that the office of language access receive resources to conduct a needs assessment to ascertain the language access needs of the various departments before positions are created and funded. In the alternative, the Department suggests that the position designated for the Department instead be placed with the office of language access to bolster that office's ability to aid departments as needed.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS
1177 Alakea Street, Room B-100
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APHIRAK BAMRUNGRUAN
EXECUTIVE DIRECTOR

**Testimony COMMENTING on SB 2459
RELATING TO LANGUAGE ACCESS.**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES

SENATOR SHARON Y. MORIWAKI, CHAIR
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Hearing Date: 2/8/2022

Room Number: Via Videoconference

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Supplemental Budget Request for appropriations and personnel priorities within the
3 Departments of Commerce and Consumer Affairs (DCCA), Health (DOH), Agriculture
4 (HDOA), and the Hawaii Emergency Management Agency (HI-EMA).

5 **Agency Testimony:** The Office of Language Access (OLA) appreciates the intent of this
6 measure, provided the measure's passage does not replace or adversely impact priorities in the
7 Governor's Executive Supplemental Budget Request. We offer the following comments.

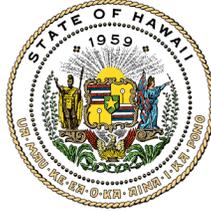
8 This measure would require the executive director of the OLA to submit an annual report to the
9 governor and legislature on compliance, complaints, resolution of complaints, and
10 recommendations to enhance and promote language access. It also appropriates funds to
11 establish Limited English Proficiency (LEP) language coordinator positions in the DCCA, DOH,
12 HDOA, and the HI-EMA.

13 OLA has no objection to submitting an annual report with information related to compliance,
14 complaints, resolution of complaints, and recommendations to enhance and promote language
15 access as outlined under Chapter 321C, Hawaii Revised Statutes (HRS).

1 With regard to the establishment of full-time equivalent permanent language access coordinator
2 positions within the DCCA, DOH, HDOA, and the HI-EMA, OLA respectfully defers to each
3 department identified under this measure as it will impact their organizational structure, needs,
4 and functions.

5 OLA is committed to continue collaborating with all State language access coordinators in the
6 implementation of language access mandates in their respective agencies.

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



STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 2459,
RELATING TO LANGUAGE ACCESS

BEFORE THE SENATE COMMITTEES ON
HUMAN SERVICES AND GOVERNMENT OPERATIONS
BY

Luke P. Meyers
Administrator, Hawai'i Emergency Management Agency (HI-EMA)

FEBRUARY 8, 2022

Aloha Chairs San Buenaventura and Moriwaki, Vice-Chairs Ihara, Jr. and Dela Cruz, and Members of the Committees:

Thank you for the opportunity to submit testimony to provide **COMMENTS** on SB 2459.

Senate Bill 2459 requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access; appropriates funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawaii emergency management agency.

Limited English Proficiency (LEP) is a barrier that directly impacts one in nine persons living in Hawai'i. This barrier creates limitations for the LEP population to access lifesaving and property protecting information in the event of natural and human-caused emergencies and disasters. Communication to those impacted during incidents tends to be one of the biggest challenges, building capability and capacity prior to is greatly needed and a best practice among the emergency management profession.

Recent incidents, including the COVID-19 pandemic have thrown into sharp relief the vital need for the Hawai'i Emergency Management Agency's (HI-EMA) to quickly communicate emergency information to a large portion of the population.

The HI-EMA would benefit from a language access coordinator to help identify and improve ways to communicate with the LEP population on how to prepare for, mitigate against, respond to, and recover from emergencies and disasters.

The HI-EMA takes no position on the reporting elements of this bill, deferring to the office of language access, but is in support of its other provisions provided it does not interfere with the Governor's budget priorities.

Thank you for the opportunity to provide comments on Senate Bill 2459.

Luke P. Meyers: Luke.P.Meyers@hawaii.gov; 808-733-4300

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON HUMAN SERVICES AND GOVERNMENT
OPERATIONS
ON
SENATE BILL NO. 2459

February 8, 2022
3:00 p.m.
Room 225 and Videoconference

RELATING TO LANGUAGE ACCESS

The Department of Budget and Finance (B&F) offers comments on Senate Bill (S.B.) No. 2459.

S.B. No. 2459:

- Amends Chapter 321C, HRS, to require the Executive Director of the Office of Language Access to submit an annual report to the Governor and Legislature on compliance, complaints, resolutions of complaints, and recommendations to enhance and promote language access.
- Appropriates an unspecified amount in general funds in FY 23 to the Departments of Commerce and Consumer Affairs, Health, and Agriculture and the Hawai'i Emergency Management Agency for the establishment of 1.00 full-time equivalent Limited English Proficiency Language Coordinator position in each respective agency.

B&F notes that, with respect to the general fund appropriations in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that

states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



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hicoalitionforimmigrantrights@gmail.com

Testimony in SUPPORT of SB 2459 RELATING TO LANGUAGE ACCESS

Senator Joy A. San Buenaventura, Chair
Senator Les Ihara, Jr., Vice Chair
Senator Sharon Y. Moriwaki, Chair
Senator Donovan M. Dela Cruz, Vice Chair

COMMITTEE ON HUMAN SERVICES COMMITTEE ON GOVERNMENT OPERATIONS

Hearing Date:2/8/2022

Room Number:225

Chair Buenaventura, Chair Ihara, Chair Moriwaki, and Chair Cruz,

We write to SUPPORT SB 2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai'i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

This bill is a little fix that could provide a BIG lift for all of our communities in Hawai'i. It has been said that “budgets are value statements,” where we put our dollars is where our interest lies. For decades we have underfunded or completely forgotten the limited English-proficient (LEP) small business owners, hospitality workers, and farmers that make our state function. It is time that we take this small but important step forward to ensure that these essential workers have the information they need to access the services they are eligible for, avoid being discriminated against, and to protect themselves from abuse or natural disaster.

Compliance with language access laws and regulations is essential for Hawai'i.

One out of nine persons in Hawai'i have limited English proficiency,¹ a clear and profound barrier that many are unable to change due to the exorbitant costs of language studies that the majority who are working and supporting families cannot afford. That is at least 161,055 people

¹ The State of Hawaii Data Book: A Statistical Abstract 2019, Department of Business, Economic Development & Tourism, at 81 (Sept. 2020), https://files.hawaii.gov/dbedt/economic/databook/db2019/DB2019_final_rev09-2020.pdf.



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in our community unable to access essential information, necessary benefits, and earned benefits.² They are struggling on an everyday basis due to these language barriers.

The problem is exacerbated by the lack of compliance within government entities. The laws requiring language access for these individuals have already been in place for many decades. Nonetheless, Hawai'i has an extensive history of repeated sanctions by the federal court, federal offices for civil rights, and the Hawai'i Civil Rights Commission for its failure to provide language access services to LEP persons.³ These failures to provide what is required to asylees, refugees, and other immigrants have been broadcasted on the news and gave rise to multiple lawsuits. Some of these suits were brought due to specific Departments neglecting to provide COVID-19 services or information relating to LEP persons.

For example, on September 20, 2021, the U.S. Department of Labor (DOL) and the Hawai'i Department of Labor and Industrial Relations Unemployment Insurance Division (DLIR/UI) entered into a language access Settlement Agreement compelling DLIR/UI to come into compliance.⁴ Most recently, the National Health Law Program filed a language access complaint against Hawai'i and 17 other states, alleging failure to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.⁵

These lawsuits magnify how failure to provide language access services endangers the health and well-being of *all* people in our community.

Transparency through annual reports will ensure necessary compliance.

Requiring submission of a report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access will

² *Id.*

³ Examples include: 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); 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); and Hawai'i Public Housing Authority, Settlement Agreement, Hawai'i Civil Rights Commission (2016).

⁴ Specifically, the settlement compelled compliance with the non-discrimination provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. §3248, Title VI of Civil Rights Act of 1964, and the DOL's regulations implementing Title VI at 29 C.F.R. part 31.

⁵ Civil Rights Complaint Filed over Discriminatory Provision of COVID-19 Services to Persons with Limited English Proficiency, National Health Law Program (Apr. 30, 2021), <https://healthlaw.org/news/civil-rights-complaint-filed-over-discriminatory-provision-of-covid-19-services-to-persons-with-limited-english-proficiency/>.



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facilitate needed accountability, encourage a more efficient community, and improve Hawai`i's standard of living.

Due to these repeated sanctions and failure to afford language access compliance, transparency on who is upholding their duty to follow the law is necessary. Passing legislation to require the Office of Language Access to submit an annual report to the Governor and Legislature will help facilitate obligatory accountability. The Governor and Legislature should be made aware of any lack of legal compliance from these reports—rather than from already-filed lawsuits—so that steps can be taken to prevent further legal action that can be very costly for the state.

Appointing full-time, language access coordinators will ensure necessary compliance.

The Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency are meant to provide essential information and services to benefit Hawai`i.

Immigrants account for nearly 40% of agricultural workers, 33% of the workers in the tourism, entertainment, and hospitality industry, and 47% of all nursing assistants.⁶ Furthermore, there are 18,000 immigrant entrepreneurs across Hawai`i, making up 22% of all business income in the state.⁷ The Department of Agriculture and the Department of Commerce and Consumer Affairs provide essential services and education to these workers that make up a significant percentage of Hawai`i's workforce. Full-time language access coordinators in these departments will be able to mitigate and directly address specific issues within these departments, diminishing language access barriers and allowing our economy and workforce to strengthen.

The Department of Health and The Hawai`i Emergency Management Agency, among other responsibilities, provide public-facing information on emergency and life-threatening situations. The vast majority of their resources exist only in English, jeopardizing the lives and health of the significant number of LEP persons living in Hawai`i. Failing to ensure a percentage of those in our community are safe and healthy imperils everyone, not just LEP persons and their families. Language access coordinators in these departments will be able to foster a safer and healthier community by providing crucial information and services to those with LEP.

We fully SUPPORT SB 1459. 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

⁶ New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 13, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf.

⁷ *Id.* at 23.



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Appendix A Stories from Impacted Individuals

We are attaching several stories from impacted, LEP individuals to our testimony. These folks do not have email addresses or regular access to computer/smart phones to be able to submit testimony under this structure. We hope that the legislature continues to find ways to include and listen to the voices that are most vulnerable in our state.

Eola Alik-Lokebol, Waipahu (self-translated Marshallese to English):

[lakwe aolep! Eta in Eola Alik-Lokebol. Ij itok jen Majol island.](#) lakwe, my name is Eola Alik-Lokebol. I am from the Marshall Islands. I currently work for the Hawaii DOE, but I am not here representing the DOE. I am here for the Marshallese community. I serve the Marshallese community as an interpreter/an advocate/a community leader.

[Kommol tata ken ien letok nan ao maron kwalok jidrik ken aban ko ikijen ukok/ri-ukok ejelek kej ilo torein jej loe naninmej in elap.](#) Thank you all for this opportunity given so we can share some of the challenges our community has faced with language access during this Pandemic.

[Elap ao inebata ken wawein in jej loe ilo an jabwe ak ejjelok ri-ukok ilo Hawaii.](#) I am deeply concerned about the past and current crisis we have regarding lack of interpretation access in Hawaii.

[Einwot juon eo emelele kajjin belle im majol jimor, im melele ken kakien ko ioon Hawaii, elap an kaburomojmoj im komman inebata wawein ko jar loe ilo an jabwe ak ejjelok ri-ukok ilo kajin majol \(im kajin ko jet\) ijoko elukkin lap aikuj ri-ukok ie nan bok jiban ak melele ikijen COVID-19. Mene kejwoj oktak kajin kein ad jen dron, botab naninmej in COVID-19 ear jelet aolep armej, ijo wot ke, ij tomak elaptata armej in Majol \(im Micronesia\).](#) As someone who understands both languages and cultures, it is frustrating how we are dealing with the lack of language access when it comes to COVID-19. We all have different languages but the COVID-19 impacts all of us, mostly the Marshallese (Micronesian) communities.

[Men eo iar loe im ejjab jimwe, kenke aolepen wawein jiban kab melele ko ikijen COVID-19, ko im rar diwojtok nan community kein aolep, elap wot ilo kajin belle im ejjelok ilo kajin eo am. Aolep melele ko raurok ikijen COVID-19 rar walok ilo kajin belle wot. Newspaper ko, news ko ilo tv im online, melele ko raurok jen cdc, dept of public health, jen takto ro am, kakine ko jen HPD im ijoko jet rej jiban aolep armej, ear jab bolel ad melele kenke ejjelok ri-ukok ak ejjelok ear ukot melele kein jen kajin belle nan kajin eo am im ejino an ajeded naninmej in ilo jukjukinpad kein am.](#) It is not right when all of the resources and services regarding COVID-19 which were given to the community are all in English and not interpreted or translated in our languages. All of the helpful information regarding COVID-19 was received in English. Newspapers, news on tv, information on CDC regulations and guidelines as well as Hawaii Dept of Public Health, medical



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information from our doctors, or HPD and other State agencies failed to accommodate other languages so people in our communities did not fully understand about COVID-19, causing a fast spread (COVID-19 clusters) within our communities.

Elen iaam rar bok naninmej in COVID-19, drelon ilo hospital im elen ro ilo baamle ko am rar jako jen nanninmej in. Ekar ejjelok aer ri-ukok ilo tore eo rar drelon ilo ER. Kem ejjab melele ta ko dakto ro rej jiron kem, uno ak wa rot ko kem ar buki. Kem ear jab melele ta ko kemij riit i im ta ko kemij sign i. Ilo am bed iloan hospital ko, kemij make kabbok am ri-ukok jen iloan community ko bwe ren jiban komleleik kem ken wawein kein kemij ioon i. Kem ar kajjitok Ta in COVID-19? Ta in isolation? Ta in quarantine? Wawein bobrae kej make jen COVID-19, ia eo jej call e nan bok melele ko rellaplok? Elane ejjelok jikin am kotolok kem make jen ro jet ilo baamle ko am, innem ia eo kem maron etal nan e? Kemar jab melele ke ne jej quarantine, elen ro rej jiban ikijen mona ak dren in idaa. Eto im to elak kole im maro ajiri ro nejim, kem ar aikuj mona im dren ak ejjelok ear boktok nan moko imom. Ewor numba in COVID-19 hotline rar letok ak kem lak call e ejjelok rabi-ukok nan jiban. As their families contracted COVID-19, were admitted into hospital or passed due to COVID-19, there was a lack of language access. They did not understand what the doctors were saying to them nor what medications or vaccines were given to them. Many did not fully understand the consent forms they had to sign but had to sign anyway to receive medical help. They reached out into our communities seeking interpreters to help them as we fight to survive. They were desperate to know about COVID-19, the meaning of isolation, quarantine, how to prevent COVID-19, or where to call for help. They did not understand that once they contracted COVID-19, there were available resources such as food and water. They did not receive COVID-19 care packages but were instructed not to leave their homes. They received a COVID Hotline number but when they called, there was no interpreter.

Elen rar jab melele mae ien emoj an adeded naninmej in ibben aolepen baamle ko aer. Elen rar joke loan wa ko waer bwe rejjab konaan konaninmej ro jet ilo baamle ko aer. Elen ro rar jako aer jerbak im rar jab tobrak aer unemployment, elen rar kick out ilo lukwon pandemic eo bwe rejjab jela jimwe im maron ko aer, ewor iaan baamle kein am rar drelon iloan ER ko im kem ear jab jela ke emoj aer jako 3/4 raan mokta lok. Ajiri rein nejier rejjab jela ke emoj an jako jiner ak jemer, relax jela emoj an ella elen raan. Because they didn't understand crucial covid information in time, we saw high clusters in our compacted small housings. Some lived inside their cars, some lost their jobs due to unemployment and did not have access to computers to file for unemployment. Our unemployment office did not provide interpreters, and others were evicted from their homes for non-payment during the pandemic. Their loved ones passed away 3 or 4 days later due to lack of language access. Their little children did not know that their mom passed away days before. Families were shakened with rage. Our communities were shocked. As an interpreter, even I had a hard time comprehending what was happening.

Ear cut jaan in jiban, food stamp, medical coverage, social security benefit ken wawein in. Jelak tin re-apply, ekilok office ko reba call wot. Im jelak call reba ejjelok ri-ukok nan jiban. Jar aikuj in



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kottar elap ien nan aer bellokk. Ilo tore eo ej bellokk DHS, jar etal in bar kanne im rar jiron tok kem ke kem in make kabbok am ri-ukok. Food stamp benefits, medical coverages, and social security benefits were terminated when they did not understand urgent letters mailed to them. In trying to re-apply, assistance in language access in the office or over the phone prevented them from seeking help. If we had more interpreters in all of the office we could have not only prevented the spread of Covid, but also provide needed resources to families.

Testimony of Setiro Paul (Chuukese):

Ngeni ewe Amafen Chairman me monun om we Committee,

Itei Setiro Paul, ngang seni Chuuk me President ren Chuuk Language me Cultural Association non Hawaii, ewe a forata kewe Chuuk language Schools

non Hawaii. Weweiti kapasen Merika, iwe ina ew watten osukosuk ngeni chon fonuwach kewe nupwen ach tori ei fenu Hawaii nge ina ew anen ach sipwe

tori ekkewe sokopaten aninis, awewe ren kut ach angang, kutta kewe ekkoch sokkun aninis ren social prohek me ekkewe aninis ren pejkin safei non ekkewe imwen Pioing

me Clinics, lei popun mei fokkun auchea ach ei State epwe awora aninisin ika an epwe kawor ekkewe chon chuuk ir mei weweiti kapasen Merika ar repwe aerinir

pwe repwe aninis non kewe sokopaten neni ew ian chommong am kewe aramas mei weires ach sipwe wewefichi ngeni kapasen Merika aupwe tongeni angei me ian ewe

aninis ne chiakuni ach kapas. Mei pwan auchea epwe wor ekkewe sokpaten prokram epwe kawor pwe ewe language access epwe chouno ngeni

ekkew ir mei tongeni aninis.

Mei pung mi wor nifinifin kich mei esina ikenai non nenien angang me pwan ekkoch ekkewe nenien awora aninis faniten

ese naf weweiti kapasen Merika. Fan chommong ra chok oumosumwesi kich non pun sise weweiti met we ra apasa, ika sia fen pwan chok era yes!

Fokkun kinisou chapur, ngeni ewe amafen chairman me monun an we ewe committe seni ach we Legislature a enenia tungor monien epwe kaweteno

ekkewe chon aninis ren chiaku ngeni kich ekkewe aramas mei kukun ika ese fen wor ach weweiti ewe kapasen Merika.



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TESTIMONY IN STRONG SUPPORT OF SENATE BILL 2459

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair
Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Date: February 8, 2022 Place: Room 221 & Videoconference

Today, Hawai‘i is home to more than a quarter of a million immigrants who make up 18% of Hawai‘i’s population. Within this population, 348,130 or one in four persons report 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) having reported speaking English “less than very well.”¹

Language is a clear and profound barrier for many of these New Americans. Many recently arrived asylees, refugees, or family-based immigrants work two to three jobs, often below minimum wage, to support their families leaving little or no time for language studies. The collateral costs of attending language classes such as transportation fees, child care costs, and tuition are often beyond the reach of many immigrants. Yet, virtually all immigrants want to learn English. They want better jobs. They want to succeed. And they want their children to succeed.

Section 2. Section 2 will strengthen the Office of Language Access’s ability to assure compliance with an array of federal and state language laws. These laws require recipients of

¹ Department of Business, Economic Development & Tourism, State Data Book (2019), <https://dbedt.hawaii.gov/blog/20-16/>, (accessed 2/5/2022).

federal or state funding to provide interpreters, translation of vital documents, and digital access to LEP persons seeking federal or state-funded services.²

Hawai‘i has been repeatedly sanctioned by the federal court, federal offices for civil rights (including the Department of Justice), and the Hawai‘i Civil Rights Commission for its failure to provide language access services to LEP persons.³

In 2021, Hawai‘i was again in the news for its failure to abide by federal and state language access laws. On September 20, 2021, the Department of Labor and Industrial Relations Unemployment Insurance Division(DLIR/UI) entered into a 17-page Settlement Agreement with the U.S. Department of Labor compelling the DLIR/UI to provide language access services.⁴ The Settlement Agreement followed well-documented efforts by Hawai‘i’s civil rights advocacy community to communicate and work with the DLIR/UI to resolve its substantial failures to provide access to LEP persons seeking benefits throughout the COVID-19 pandemic.

On April 30, 2021, the National Health Law Program filed a complaint against the Hawai‘i Department of Health and 17 other states for failing to provide COVID-19 services to LEP individuals. Specifically, the complaint alleges that Hawai‘i failed to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.

² Federal authorities include Title IV of the Civil Rights Act of 1966, 42 U.S.C. §§2000d to 2000d7; Executive Order 13166 issued by President Clinton on August 11, 2000, *Improving Access to Services for Persons with Limited English Proficiency*, 3 C.F.R 13166 (2000); and *Lau v. Nichols*, 414 U.S. 563 (1974). In 2006, the Hawai‘i Legislature affirmed the State’s commitment to civil rights and inclusive access to services regardless of national origin through the creation of the Office of Language Access (OLA). Hawai‘i Revised Statutes, §321-C. Nb

³ 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); 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).

⁴ Civil Beat, Hawaii to Update Unemployment Application after Federal Investigation, <https://www.civilbeat.org/beat/hawaii-to-update-unemployment-application-after-federal-investigation/>, (accessed 2/5/2022).

Section 3. In 2018 there were more than 18,000 immigrant entrepreneurs across Hawai‘i making up more than a quarter of business owners in the state.⁵ Collectively these business owners made almost \$455 million in personal business income or about 22% of all business income in the state.⁶ The **Department of Commerce and Consumer Affairs** provides many essential services to immigrant entrepreneurs including business registration, professional and vocational licensing, advice on consumer laws, and landlord-tenant relations. Many small immigrant business entrepreneurs need language assistance navigating unfamiliar terms and laws.

Section 4. Virtually every division of the **Department of Health (DOH)** intersects with the LEP persons – Adult Mental Health, Child & Adolescent Mental Health, Developmental Disabilities, Chronic Disease Prevention, Harm Reduction, Tuberculosis, and the Disease Outbreak section are a few examples. Outside of COVID-19 materials, the DOH website contains few, if any, translated materials for these vital services.

Section 5. Foreign-born workers make up 39.3% of Hawai‘i’s agricultural workforce. Access to the **Department of Agriculture’s (DOA)** website provides vital information on pesticides, pest control, invasive species, the use of biological controls, and tenant land application forms. A Language Access Coordinator will help the **DOA** reach its goals of informing, educating, and training farmers on various industry practices such as food safety, production techniques, and land uses.

Section 6. The Hawai‘i Emergency Management Agency (HiEMA) is the emergency management agency for the State of Hawai‘i. Together with the counties, HiEMA protects all of Hawai‘i’s residents and visitors during disasters. It provides public-facing information on hurricanes, tsunamis, nuclear threats, and emergency preparation. Most, if not all, of its public-facing information, exists only in English.

Thank you for the opportunity to testify on SB 2459,

Amy Agbayani, Pat McManaman, Barbara Yamashita, Co-Chairs

⁵ New American Economy, Immigrants and Migrants in Hawaii, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf, (accessed 2/5/2022).

⁶ Id.

SB-2459

Submitted on: 2/7/2022 4:02:35 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Innocenta Sound Kikku	Testifying for Micronesian Health Advisory Coalition	Support	No

Comments:

On behalf of Micronesian Health Advisory Coalition, I support this bill as our community really need the support for Language Access. During the COVID-19 Pandemic it became more crucial to have language access as there were so much confusion on what the Pandemic is all about. The number of Pacific Islander affected by the pandemic was high due to the fact that the community didn't even realize there has been an order to lock down. I remember getting calls asking what was going on because people were just confused. There were not enough materials done in language as well to be given out on time for folks to be safe. Social distance didn't make sense to the people whose culture solely drive on community and social gatherings. It is no brainer why Pacific Islanders are greatly affected by the pandemic because we are lacking in supporting LEP folks. I and my organization MHAC support this bill 100%.



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Testimony in SUPPORT of SB 2459 RELATING TO LANGUAGE ACCESS

Senator Joy A. San Buenaventura, Chair
Senator Les Ihara, Jr., Vice Chair
Senator Sharon Y. Moriwaki, Chair
Senator Donovan M. Dela Cruz, Vice Chair

COMMITTEE ON HUMAN SERVICES COMMITTEE ON GOVERNMENT OPERATIONS

Hearing Date: 2/8/2022

Room Number: 225

Chair Buenaventura, Chair Ihara, Chair Moriwaki, and Chair Cruz,

We write to SUPPORT SB 2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i.

One out of nine persons in Hawai`i have limited English proficiency (LEP),¹ a clear and profound barrier that many are unable to change due to the exorbitant costs of language studies that the majority who are working and supporting families cannot afford. That is at least 161,055 people in our community unable to access essential information, necessary benefits, and earned benefits.² They are struggling on an everyday basis due to these language barriers.

The problem is exacerbated by the lack of compliance within government entities. The laws requiring language access for these individuals have already been in place for many decades. Nonetheless, Hawai`i has an extensive history of repeated sanctions by the federal court, federal offices for civil rights, and the Hawai`i Civil Rights Commission for its failure to provide language access services to LEP persons.³ These failures to provide what is required to asylees,

¹ *The State of Hawaii Data Book: A Statistical Abstract 2019*, Department of Business, Economic Development & Tourism, at 81 (Sept. 2020), https://files.hawaii.gov/dbedt/economic/databook/db2019/DB2019_final_rev09-2020.pdf.

² *Id.*

³ Examples include: 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



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refugees, and other immigrants have been broadcasted on the news and gave rise to multiple lawsuits. Some of these suits were brought due to specific Departments neglecting to provide COVID-19 services or information relating to LEP persons.

For example, on September 20, 2021, the U.S. Department of Labor (DOL) and the Hawai'i Department of Labor and Industrial Relations Unemployment Insurance Division (DLIR/UI) entered into a language access Settlement Agreement compelling DLIR/UI to come into compliance.⁴ Most recently, the National Health Law Program filed a language access complaint against Hawai'i and 17 other states, alleging failure to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.⁵

These lawsuits magnify how failure to provide language access services endangers the health and well-being of *all* people in our community.

Transparency through annual reports will ensure necessary compliance.

Requiring submission of a report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access will facilitate needed accountability, encourage a more efficient community, and improve Hawai'i's standard of living.

Due to these repeated sanctions and failure to afford language access compliance, transparency on who is upholding their duty to follow the law is necessary. Passing legislation to require the Office of Language Access to submit an annual report to the Governor and Legislature will help facilitate obligatory accountability. The Governor and Legislature should be made aware of any lack of legal compliance from these reports—rather than from already-filed lawsuits—so that steps can be taken to prevent further legal action that can be very costly for the state.

the District of Hawai'i, Settlement Agreement (2010); 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); and Hawai'i Public Housing Authority, Settlement Agreement, Hawai'i Civil Rights Commission (2016).

⁴ Specifically, the settlement compelled compliance with the non-discrimination provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. §3248, Title VI of Civil Rights Act of 1964, and the DOL's regulations implementing Title VI at 29 C.F.R. part 31.

⁵ Civil Rights Complaint Filed over Discriminatory Provision of COVID-19 Services to Persons with Limited English Proficiency, National Health Law Program (Apr. 30, 2021), <https://healthlaw.org/news/civil-rights-complaint-filed-over-discriminatory-provision-of-covid-19-services-to-persons-with-limited-english-proficiency/>.



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Appointing full-time, language access coordinators will ensure necessary compliance.

The Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency are meant to provide essential information and services to benefit Hawai`i.

Immigrants account for nearly 40% of agricultural workers, 33% of the workers in the tourism, entertainment, and hospitality industry, and 47% of all nursing assistants.⁶ Furthermore, there are 18,000 immigrant entrepreneurs across Hawai`i, making up 22% of all business income in the state.⁷ The Department of Agriculture and the Department of Commerce and Consumer Affairs provide essential services and education to these workers that make up a significant percentage of Hawai`i's workforce. Full-time language access coordinators in these departments will be able to mitigate and directly address specific issues within these departments, diminishing language access barriers and allowing our economy and workforce to strengthen.

The Department of Health and The Hawai`i Emergency Management Agency, among other responsibilities, provide public-facing information on emergency and life-threatening situations. The vast majority of their resources exist only in English, jeopardizing the lives and health of the significant number of LEP persons living in Hawai`i. Failing to ensure a percentage of those in our community are safe and healthy imperils everyone, not just LEP persons and their families. Language access coordinators in these departments will be able to foster a safer and healthier community by providing crucial information and services to those with LEP.

We fully SUPPORT SB 1459. 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

⁶ New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 13, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf.

⁷ *Id.* at 23.

SB-2459

Submitted on: 2/6/2022 1:12:33 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Larry Ordonez	Testifying for Ethnic Education Hawai`i	Support	No

Comments:

Testimony in support of SB 2459 Relating to Language Access

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 multilingual community in Hawai`i. We have projects to communicate and serve our large immigrant community.

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. Requiring agencies to submit a report to the legislature and the Governor detailing compliance with language access laws is needed. This bill will help assure immigrant communities have equal access to information and government services.

We strongly support OLA's mission and mandate. Although each agency should have a staff assigned as a language access coordinator, we support funding at this time for one language access coordinator with the departments of Agriculture, Health, Commerce and Consumer Affairs and Department of Defense particularly for their public facing programs and responsibilities. This bill will help the state comply with state and federal laws and the goals of equity and inclusion of all residents of our state.

We respectfully urge the committee to pass SB 2459 relating to language access.

Submitted by Larry Ordonez President Ethnic Education Hawai`i

Statement Before The
**SENATE COMMITTEE ON HUMAN SERVICES
AND
SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

Tuesday, February 8, 2022

3:00 PM

Via Video Conference and Conference Room 225

in consideration of
SB 2459
RELATING TO LANGUAGE ACCESS.

Chairs SAN BUENAVENTURA and MORIWAKI, Vice Chairs IHARA and DELA CRUZ, and Members of the Senate Human Services and Government Operations Committees

Common Cause Hawaii comments in support of SB 2459, which (1) requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access and (2) appropriates funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawaii emergency management agency.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy - one that works for everyone.

The recent Decennial Census shows that Hawaii is the most diverse state in the nation with a diversity index of 76.0%. See <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html> (retrieved Jan. 31, 2022). The April 2016 DBEDT Research and Economic Analysis Division report on Non-English Speaking Population in Hawaii indicates that non-English speakers at home in Hawaii increased by 44% from 1980 to 2014. See https://files.hawaii.gov/dbedt/economic/data_reports/Non_English_Speaking_Population_in_Hawaii_April_2016.pdf at Executive Summary (retrieved Jan. 31, 2022).

For limited English proficient residents of Hawaii to be able to fully engage with our government and participate in our democratic society, it is imperative that we know where the barriers are in government and how to address them. SB 2459 will work to achieve this end.

For these reasons, Common Cause Hawaii comments in support of SB 2459. If you have questions for me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

SB-2459

Submitted on: 2/7/2022 1:49:13 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
W ALIK	Testifying for Marshallese Covid 19 Task Force	Support	No

Comments:

Aloha and Yokwe,

As the chair of the Hawaii - Marshallese Covid 19 Task Force, I am testifying in favor of SB 2459 as it speaks not only to health equity, inclusion, and diversity but to our shared values and bond as one Pacific Island community.

It's due time that such a policy is given full consideration as one way of leveling the playing field for our LEP populace.

If anything we've learned from this pandemic is that we're all in this together -- as one community - we rise and fall together

I plead with you to be "pono" and make this right for our fellow brothers and sisters.

Thank you

Komol Tata

Mahalo nui

Wilfred C Alik, MD

SB-2459

Submitted on: 2/7/2022 1:36:57 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jeremiah Brown	Testifying for Le Fetuao Samoan Language Center- Elisapeta Alaimaleata	Support	No

Comments:

Testimony in Support of the Language Access Bill - SB2459:

We at Le Fetuao Samoan Language Center, a non-profit organization who focuses on Samoan Language education serving many NHPI & non-Samoan families across the State of Hawaii, support the language access Bill - SB 2459.

We started our community-based school in 2008 in the State of Hawaii. Many families especially young children, youths and adults were served throughout many years. There have been lots of success stories of great academic achievements and empowerments from our participants. Therefore, we believe in the value of community-based organizations where our native language speakers have the intelligence and expertise to provide the services to educate our community. It's not just about language but also valuing education in general in families.

Please pass the language access Bill SB 2459. The future and revitalization of our languages and cultures are in your hands. We need the help and support to push for more language education so accessibility is provided in language at all levels within our state. Accessibility means we are being truthful, transparent, and committed to being great stewards of the community we live in.

Elisapeta Alaimaleata

alaimale@hawaii.edu



February 7, 2022

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Senator Les Ihara, Jr., Vice-Chair

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COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice-Chair

Hearing Date: Tuesday, February 8, 2022, 3:00 p.m.

Conference Room 225 & Videoconference

Testimony in Support of Senate Bill 2459 Relating to Language Access

Chairs San Buenaventura and Moriwaki; Vice-Chairs Ihara and Dela Cruz; and Members of the Committees:

The Legal Clinic (“TLC”) submits this testimony in support of SB 2459, which would require the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access; and would appropriate funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawai'i emergency management agency.

TLC provides legal services to Hawai'i's low- and moderate- income immigrant community. In the course of our work, we encounter on a daily basis the difficulties that a significant portion of our immigrant community faces in virtually all aspects of their public lives. This can range from the mundane, such as accessing public transportation, to the dire, such as obtaining health care and public benefits like unemployment insurance. Passage of Senate Bill 2459 would be an important step in helping overcome these difficulties by assuring compliance with federal and state laws, which require the provision of language services to those who lack proficiency in the English language.

Nearly one in five Hawai'i residents is an immigrant. According to the 2020 Census, immigrants (those born outside the United States) make up 19.3% of our population (273,012 of our residents). This is a significantly higher proportion than for the United States as whole, where immigrants comprise 13.7% of the total U.S. population. Moreover, according to the 2020 State of Hawai'i Data Book, 354,344 of our residents, or 27% of our population, speak a language other than English at home. And, over 158,100, or 45% of that portion of our population, speak English “less than ‘very well’.”

This growing segment of our population has a civil right to language access. This is guaranteed them by both federal law (Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (2000)) and state law (Chapter 321C, Hawai'i Revised Statutes). As such, they are entitled to language services, such as for interpretation and translation, in order to ensure meaningful access to government services, programs and activities.

Unfortunately, Hawai'i has not fulfilled its obligations to the those with limited English proficiency. This was most recently evidenced by the U.S. Department of Labor's recent consent decree with the State's Department of Labor and Industrial Relations compelling it to provide required language access services in its unemployment insurance program.

Moreover, there are good reasons beyond legal compulsion for the State to provide language services to our immigrant community and, additionally, to do all that it can to strengthen the immigrant community because of the key role it plays in Hawai'i's economy. This was recently underscored in a report by New American Economy, "Immigrants and Migrants in Hawai'i, Essential Contributors to the State's Workforce and Economy," released in May 2021. Among its key findings were:

- **Immigrants are vital to industries and occupations that are essential to Hawai'i's economy.** Despite making up 18 percent of Hawai'i's population, immigrants accounted for nearly 40 percent of agricultural workers, and 33 percent of the workers in the tourism, entertainment, and hospitality industry. Within specific industries, immigrants are playing critical roles in certain occupations, accounting for 68 percent of housekeeping workers, over half of all chefs and head cooks, 47 percent of all nursing assistants, and 20 percent of all physicians.
- **Immigrants make significant economic contributions to Hawai'i's economy.** Alongside the \$1.55 billion that immigrants paid in federal taxes and \$874 million in state and local taxes, immigrants contributed \$780 million to Social Security and \$195 million to Medicare in 2018. After taxes, immigrants in the state had a spending power of \$5.8 billion, and contributed over \$17.5 billion to Hawai'i's GDP.
- **Immigrants are creating jobs in Hawai'i.** In 2018, immigrants accounted for over a quarter of all entrepreneurs in the state, making them 24.4 percent more likely to be entrepreneurs than their U.S.-born counterparts.

https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf

A recent New York Times analysis of new census data further emphasizes the need to support our immigrant community and develop its potential. That analysis shows that population growth fell to an historically low 0.1 percent. However, while the decline occurred in both the number of immigrants arriving in the U.S. and the number of births in excess of death, "[i]mmigration, even at reduced levels, is for the first time making up a majority of population growth." In fact, as of December 2021, immigrants made up the highest portion of our population (14.1%) since the record high reached in 1890 (14.8%). The analysis further noted that "The movement of the baby

boom generation out of the labor force amid a plummeting birthrate has put into sharper relief the need to reverse the decline in new immigration.” (The problem is exacerbated in Hawai’i, where we face the additional concern of residents leaving “for less expensive pastures.” “Hawaii’s Population Drain Outpaces Most States — Again,” Hawai’i Civil Beat, January 5, 2022, <https://www.civilbeat.org/2022/01/hawaiis-population-drain-outpaces-most-states-again/>.)

Despite this clear need to support the immigrant community, the Times analysis concluded that, “it will take bold political moves to harness the economic benefits of the existing foreign-born population.”

While not quite a “bold move,” passage of SB 2459 would be an important step toward addressing the immediate problem of the lack of language access services and hopefully be part of a broader movement to enhance the ability fully to realize the potential offered by our more recently arrived immigrant community.

We urge you to pass SB 2459 out of committee.

Thank you.


Corey Park
President, Board of Directors
The Legal Clinic



PACIFIC GATEWAY CENTER

Testimony in SUPPORT of HB2459, RELATING TO LANGUAGE ACCESS

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: 2/8/2022

Dear Committee Members,

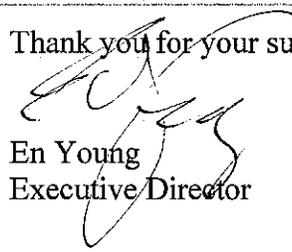
I write to SUPPORT HB 2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai'i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai'i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. Pacific Gateway Center has been involved with community vaccination in immigrant communities trying to alleviate barriers to vaccination. We see first-hand the importance of language access in our limited-English proficient to acquire good information, not mis-information related to health. I was getting tested for Covid and a Chinese speaking lady was in line and the nurse kept asking for her QR code for her appointment and the Chinese lady didn't understand and she was put on the side waiting for help. This affects her health and the health with everyone with whom she comes in contact. More importantly, it shows lack of immediate basic services to our limited English proficient. We have seen Tongan populations not understanding the Covid-19 registration forms and needing both interpretation and translation.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy.

I fully SUPPORT HB 2459.

Thank you for your support and consideration,


En Young
Executive Director

SB-2459

Submitted on: 2/7/2022 1:50:41 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mary K Ochs	Testifying for Hawai'i Workers Center	Support	No

Comments:

The Hawai'i Workers Center urges support for SB2459. We have a great deal of experience with limited English workers who had difficulty applying for unemployment benefits. Language access was one of the many problems and a barrier even before calling or trying to file an application. While some language assistance is available is is not a fully language accessibly process. Family or friends are not always able to help and often cannot interpret technical information thus creating barriers to access.

Thank you for your consideration and action on this important matter of language access and equity.



HIPHI Board

Kilikina Mahi, MBA
Chair
KM Consulting LLC

JoAnn Tsark, MPH
Secretary
John A. Burns School of Medicine,
Native Hawaiian Research Office

Debbie Erskine
Treasurer

Keshia Adolpho, LCSW
Molokai Community Health Center

Camonia Graham - Tutt, PhD
University of Hawai'i - West O'ahu

Carissa Holley, MEd
Hale Makua Health Services

May Okihiro, MD, MS
John A. Burns School of Medicine,
Department of Pediatrics

Misty Pacheco, DrPH
University of Hawai'i at Hilo

Michael Robinson, MBA, MA
Hawai'i Pacific Health

Kathleen Roche, MS, RN, CENP
Kaiser Permanente

Dina Shek, JD
Medical-Legal Partnership
For Children in Hawai'i

Garret Sugai

Titiimaeta Ta'ase, JD
State of Hawai'i, Deputy Public Defender

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Food Security Coalition

Date: February 7, 2022

To: Senator Joy A. San Buenaventura, Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services

Senator Sharon Y. Moriwaki, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Members of the Committee on Government Operations

Re: Support for SB 2459, Relating to Language Access

Hrg: February 8, 2022 at 3:00 PM via videoconference

LATE

The Hawai'i Public Health Instituteⁱ (HIPHI) is in support of SB 2459, which requires the Office of Language Access to submit annual reports on compliance with language access laws, and funds Limited English Proficiency Language Coordinator positions within multiple state agencies.

Despite being routinely named one of the healthiest states in the nation, Hawai'i sees stark racial disparities in myriad health outcomes, including life expectancy. These disparities long preceded the COVID-19 pandemic but were thrown into sharp relief as Pacific Islander and Filipino communities experienced disproportionately high rates of infection and hospitalization.ⁱⁱ HIPHI strives to eliminate racism, disparities and injustices to improve the health and wellness of all people. For us, this translates to moving beyond advocating for equity, but rather amplifying our work against inequity.

Addressing health equity is integral to the 10 Essential Services of Public Health, and enabling equitable access to care necessarily requires making information about health care and services available in a language that people understand. One in nine people living in Hawai'i has limited English proficiency and a lack of language access creates dangerous barriers to care. SB 2429 will enhance compliance with federal and state language access laws, improve government transparency, and fund staff positions dedicated to improving language access across the state.

For these reasons, HIPHI respectfully requests that the Committees **PASS** SB 2459.

Thank you for the opportunity to provide testimony.

Mahalo,



Amanda Fernandes, JD
Policy and Advocacy Director

ⁱ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ Hawai'i State Department of Health (2021). COVID-19 in Hawai'i: Addressing Health Equity in Diverse Populations. Disease Outbreak Control Division: Special Report. Honolulu, Hawai'i.

Testimony in SUPPORT of HB2459, RELATING TO LANGUAGE ACCESS

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: 2/8/2022

Dear Committee Members,

I write to SUPPORT HB 2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai'i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai'i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. As the English Learners program coordinator at Waipahu High School, I have heard of many examples of families having difficulty with understanding COVID-19 information, including when to keep their children home from school and the importance of quarantining when symptomatic or after a positive test. Over the course of the pandemic, families have also asked for help with unemployment applications, EBT benefits, section 8 applications, in addition to numerous announcements about school. It is clear that language access is a health, economic, and educational issue for families and students in my school community.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy. We have a legal, moral, and ethical obligation to ensure that all members of our community can thrive and achieve their potential.

I fully SUPPORT HB 2459.

Thank you for your support and consideration,

Jeremiah Brown

SB-2459

Submitted on: 2/6/2022 11:46:03 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dioreme Navasca	Individual	Support	No

Comments:

I write to SUPPORT HB 2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. Majority of my family are first generation immigrants from the Philippines. I am one of the few who were able to enter and finish college. Many of my family and friends come to me for help and assistance when reading and understanding COVID-19 health information; understanding emergency proclamations and restrictions (lockdown orders); accessing Unemployment Insurance; accessing other public benefits (food stamps, etc.); accessing rent relief.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy.

I fully SUPPORT HB 2459.

Thank you for your support and consideration,

Dioreme Navasca

SB-2459

Submitted on: 2/5/2022 3:58:37 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Thaddeus Pham	Individual	Support	No

Comments:

Aloha HMS/GVO Chairs, Vice Chairs, and Committee Members,

I write to SUPPORT SB2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. As a public health professional working with foreign-born immigrants and refugees, language access is of tantamount importance to ensuring not only individual and community health, but also population health.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy.

I fully SUPPORT SB2459.

Thank you for your support and consideration,

Thaddeus Pham (he/him)

SB-2459

Submitted on: 2/7/2022 11:14:53 AM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Valerie Rose	Individual	Support	No

Comments:

People with limited English Proficiency are some of the most vulnerable populations. More data and resources is needed for organizations to assist them.

Dina Shek
Honolulu, HI 96822

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair
Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: February 8, 2022

Re: SUPPORT for SB2459, RELATING TO LANGUAGE ACCESS

Dear Committee Members,

I offer this testimony in my personal capacity to strongly support SB 2459 which meaningfully advances Hawai‘i’s goals of ensuring language access for all people with limited English. In my professional capacity as the Legal Director of the Medical-Legal Partnership for Children in Hawai‘i, most of our clients are immigrants and migrants from Pacific Islander communities. We frequently engage interpreters and translators, and, simply stated, they are vital to our work.

Compliance with language access laws and regulations is essential for Hawai‘i, where one out of nine persons have limited English proficiency. Through my work at the MLP, I have seen story after story of how the lack of language access has been a battle for our communities since long before, and especially during, this pandemic. I saw it with the Department of Health early in the COVID-19 pandemic, as entire communities received delayed public health messages and individual families got delayed contact-tracing resources. I saw it with the Department of Labor and Industrial Relations, as many LEP people could not access Unemployment Insurance—benefits which they had paid into and were entitled to receive—because of language access denials. These challenges are well documented.¹

SB 2459 offers an important step toward solving this problem. It allows for transparency and critical data on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy. We must ensure that Hawai‘i is prepared to protect all of its residents.

Thank you for this opportunity to submit testimony in support of SB 2459.

/s/

Dina Shek

¹ 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/>

SB-2459

Submitted on: 2/7/2022 2:40:49 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Candice Sakuda	Individual	Support	No

Comments:

I support SB2459.

Testimony in SUPPORT of HB2459, RELATING TO LANGUAGE ACCESS

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: 2/8/2022

Dear Chairs, Vice Chairs and Committee Members,

I am writing to SUPPORT HB 2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. I was shocked to hear from a colleague who works for the state and staffed a phone bank for individuals applying for UI that individuals with limited English proficiency were told to call back for an interpreter at a specified time, but no interpreters were made available. He went out of his way to ask for assistance from other colleagues, but there were no resources built into the system to support workers with LEP. There was no accommodation made in spite of the fact that, in 2018, as an example, immigrants in Hawai`i paid \$874 million in state and local taxes, and contributed \$780 million to Social Security and \$195 million to Medicare ([*Immigrants and Migrants in Hawai`i. New American Economy Research. May 2021.*](#)). Moreover, the state surely knows that individuals with LEP serve largely in the tourism, entertainment, and hospitality industry, and in housekeeping positions, all of which were hit severely by unemployment at the outset of the pandemic, and have yet to recover. There is no reason for such a lack of attention to the civil rights of this large cohort of our neighbors and hardworking community members.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy. The efforts of the Office of Language Access early on in the pandemic to work with other state agencies to bring teams of interpreters to senior housing properties across O`ahu so that these individuals, who were unable to read information about obtaining a vaccination for COVID-19 or get any assistance with travelling to a vaccination clinic, were able to understand what was freely available to them, and to get vaccinated (months after they should have been vaccinated!) is an example of the type of work that needs to be done, and the type of situation that the state must be accountable for.

I fully SUPPORT HB 2459.

Thank you for your support and consideration,

Dina R. Yoshimi, Ph.D.

Aiea, O'ahu

SB-2459

Submitted on: 2/7/2022 2:57:52 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christy MacPherson	Individual	Support	No

Comments:

Aloha members of the Senate Committees on Human Services & Government Operations,

I am in strong support of SB 2459. Language access is crucial, especially here in Hawai`i with all of the different languages that are spoken. People need to be able to both communicate and receive important communication in their own languages!

Mahalo for your consideration.

Testimony in SUPPORT of HB2459, RELATING TO LANGUAGE ACCESS

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: 2/8/2022

Dear Committee Members,

I write to SUPPORT HB 2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. Actually, these problems were “hidden” from the public until the pandemic hit. Our own government was under the impression that everybody that came from Micronesia spoke “Micronesian”, however they soon learned that Micronesia is comprised of several countries: Marshall Islands whose language is Marshallese; Chuuk whose language is Chuukese; Kosrae whose language is Kosraean; Pohnpei whose language is Pohnpeian; and Yap whose language is Yapese.

Micronesian families are in dire need of qualified interpreters/translators who can assist them until ALL of their needs are met. Thank you, Committee Members for allowing me to tell you about the Micronesian community’s biggest and most important need, and that is the need for more qualified, trained interpreters/translators.

There are a handful of interpreters/translators here in Hawaii who are hired on a part-time basis and are not offered any benefits. Understandably, they are only going to work the hours they are paid to work. Understandably, they tend to leave this job when they are offered full-time work with benefits which allows them to better support their families. Until there is offer for full-time with benefits and training, this issue will never end.

Due to lack of funding, the part-time interpreters/translators are not provided proper training to be able to do their jobs effectively. Most of the interpreters are not fluent in the English language and tend to misinterpret the message they are explaining. In the medical field, miscommunication between doctor and patient through an unqualified interpreter can be fatal. As an example, a “medical” interpreter who did not understand the difference between an MRI and Chemotherapy.

Having full-time qualified interpreters will allow the interpreter to assist families needing assistance with Social Security benefits/paperwork; doctor's visits; Med-Quest forms that are pending due to lack of/missing information; connect the Micronesian Kupunas to services specifically for our aging population.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy. There are so many problems that this community faces but with qualified interpreters/translators, these problems will soon be resolved.

I fully SUPPORT HB 2459.

Thank you for your support and consideration,

Della Nakamoto
Marshallese living on Maui

SB-2459

Submitted on: 2/7/2022 3:03:41 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lucia Aranda	Individual	Support	No

Comments:

Language access in Hawaii'i is of utmost importance: it is imperative that as many people as possible receive information of any type as quickly as possible for the greater good of the state. To be able to carry out this endeavor means having and supporting a central agency, such as the Office for Language Access and establishing as many coordinator positions as possible.

SB-2459

Submitted on: 2/7/2022 3:22:27 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Paulina Perman	Individual	Support	No

Comments:

I support SB2459 for language access bill.

SB-2459

Submitted on: 2/6/2022 5:07:24 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

If they do not speak English and can not read English then they should not be allowed to come to Hawaii. That should be the law. Fix the problem or Get out!!

SB-2459

Submitted on: 2/7/2022 5:06:50 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dirani1936	Individual	Support	No

Comments:

Testimony in SUPPORT of HB2459, RELATING TO LANGUAGE ACCESS

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair



COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: 2/8/2022

Dear Committee Members,

I write to SUPPORT HB 2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19.

As an interpreter in the community, I am and have been assisting alongside just a few other interpreters and advocates in the community assisting families with many overwhelming challenges due to Language access. Barriers and challenges that can be prevented; could have been prevented especially during Covid-19. This pandemic has impacted the whole Micronesia community due to Language access. It is not right! Assistance, resources, programs, or crucial information especially about COVID-19 were not interpreted or translated in our language.

When families contracted COVID-19, were admitted into hospital or passed due to COVID-19, there was a lack of language access. They did not understand what the doctors were saying to them nor what medications or vaccines were given to them. Many did not fully understand the consent forms they had to sign but had to sign anyway to receive medical help. They reached out into our communities seeking interpreters to help them as we fight to survive. They were desperate to know about COVID-19, the meaning of isolation, quarantine, how to prevent COVID-19, or where to call for help. They did not understand that once they contracted COVID-19, there were available resources out there. They did not receive COVID-19 care packages but were instructed not to leave their homes. They received a COVID Hotline number but when they called, there was no interpreter.

Because they didn't understand crucial covid information in time, we saw high clusters in their compacted small housings. Some lived inside their cars, some lost their jobs due to unemployment and did not have access to computers to file for unemployment. Our unemployment office did not provide interpreters, and others were evicted from their homes for non-payment during the pandemic. Due to the language barrier, loved ones passed away 3 or 4 days before families were finally notified. Their little children did not know that their mom passed away days before. Families were shaken with rage. Their communities were shocked. As an interpreter, even I had a hard time comprehending what was happening.

Food stamp benefits, medical coverages, and social security benefits were terminated when they did not understand urgent letters mailed to them. In trying to re-apply, assistance in language access in the office or over the phone prevented them from seeking help. If we had more interpreters in all of the offices we could have not only prevented the spread of COVID-19, but also provided much needed resources to their families. The Community needs help with language access in our "community facilities". Thank you very much!

I fully SUPPORT HB 2459.

Thank you for your support and consideration,

Eola Alik-Lokebol

SB-2459

Submitted on: 2/7/2022 10:51:07 PM

Testimony for HMS on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marcella Alohalani Boido	Individual	Comments	No

Comments:

LATE

To All:

I support the part of this bill which would mandate the office of language access (OLA) to submit an annual report to the governor and legislature, as described in this bill.

I do this as a person who helped to lobby for the creation of OLA from the beginning. I have also served as a member of OLA's language access advisory council (LAAC). My support and participation have included a presentation at the annual conference as well as helping to bring in trainers from Cross-Cultural Communications for a 40-hour course, The Community Interpreter (<https://www.thecommunityinterpreter.com/>).

Recently I have also successfully completed the training to become a licensed trainer for this program. Either certification as a court interpreter or completion of this program or one of the similar programs or classes *should* be a requirement to perform community interpreting. This is the type of interpreting that is the subject of part of this bill. See the following post, "The Importance of Training for the Community Interpreter."

<https://najit.org/the-importance-of-training-for-the-community-interpreter-by-katharine-allen/>

The idea that funding four full-time language access coordinators will solve a lot of problems leaves me less enthused. It is typical of the thinking that focuses on a need for administrators.

The problems are real and have been around for a long time. Those who have brought this bill are deeply concerned, and for good reason. My appreciation and respects to them.

My thought is that the state can hire all the administrators it likes...but without a pool of professional interpreters who have passed a scientifically valid oral test of interpreting skills, there will be little or no change. For those languages for which there is no such test, we should follow the California court system's model of oral proficiency testing.

(See <https://www.actfl.org/> to get a handle on this type of testing.)

(See the American Translators Association for information on translator testing and certification as well as other, related matters. <https://www.atanet.org/>)

The state's policies and practices for contracting and paying bilinguals are a major part of the problem.

We cannot have the pool of genuinely professional interpreters and translators that the state needs unless these interpreters and translators can count on appropriate conditions of work and pay. We need standards. Hawaii lacks those conditions.

In order to continue the necessary dialog, I ask this committee to pass this bill.

Let's keep the conversation going.

Legislators and others are welcome to reach out to me for more information.

Thank you.

Marcella Alohalani Boido, M.A.

Hawaii State Judiciary Certified Spanish Court Interpreter (Tier 4)

Testimony in SUPPORT of HB2459, RELATING TO LANGUAGE ACCESS

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: 2/8/2022



Dear Committee Members,

I write to SUPPORT HB 2459, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. Recently, my limited English proficient (LEP) grandmother was hospitalized and due to visitor restrictions, we were not always available at her bedside to interpret information. Upon visiting her, she said that her doctor had come and talked to her without any interpreter present. I was completely in shock since Maui's only acute care hospital has physicians who are completely unaware of the language barriers present for LEP persons like my grandmother. If health literacy can be low among proficient speakers of English, imagine the added struggle for an LEP person to attempt to understand such jargon.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy.

I fully SUPPORT HB 2459.

Thank you for your support and consideration,
Danny Domingo, Jr.

SB-2459

Submitted on: 2/8/2022 11:11:08 AM

Testimony for HMS on 2/8/2022 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mackson	Individual	Support	No

Comments:

I support the bill SB2459. Language access is important because it is important to comprehend and communicate a proper and honest dialogue between the communicators regarding the point of the matter. Without an accurate comprehension is not a dialogue.