

JAN 23 2015

A BILL FOR AN ACT

RELATING TO THE OFFICE OF LANGUAGE ACCESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that according to the
2 United States Census Bureau, American Community Survey of 2009-
3 2011, 329,827 of Hawaii's 1,361,628 people, or 24 per cent of
4 Hawaii's population, speak a language other than English at
5 home. This includes nearly 281,607 persons who speak an Asian
6 or Pacific Island language. According to the same studies, out
7 of those who speak a language other than English at home,
8 151,187 or 46 per cent are limited English proficient.
9 According to recent statistics from the non-profit Immigration
10 Policy Center, the research and policy arm of the American
11 Immigration Council, about 18 per cent of Hawaii's residents are
12 foreign born, while 14 per cent of Hawaii's children with
13 immigrant parents are limited English proficient.

14 The legislature therefore recognizes that English is not
15 the primary language for a significant portion of Hawaii's
16 residents. These people have only a limited ability to read,
17 write, speak, or understand English. Language barriers often



1 prohibit many residents from fully participating in the
2 community. Despite personal, family, community, and government
3 efforts to make those with limited English proficiency more
4 self-sufficient and productive, these efforts are often
5 undermined by lack of access to essential government and
6 government-funded services due to the language restrictions of
7 Hawaii's limited English proficient population.

8 The legislature formerly recognized and acknowledged that
9 language is a barrier for those living in Hawaii who have
10 identified themselves as being limited English proficient.
11 Consequently, the legislature passed Act 290, Session Laws of
12 Hawaii 2006, and Act 201, Session Laws of Hawaii 2012, to ensure
13 that limited English proficient individuals have meaningful
14 access to state-provided and state-funded services in Hawaii.
15 These laws established the Hawaii office of language access to
16 provide oversight, central coordination, and technical
17 assistance to state and state-funded entities in their
18 implementation of the requirements of the language access law.

19 The language access law requires every state agency and any
20 organization that receives state funding and provides services
21 to the public to establish a language access plan on how they



1 will provide meaningful access to their agency's services,
2 including but not limited to social service programs, job
3 training and employment assistance programs, fair and impartial
4 administrative and other hearings, or emergency assistance.

5 These services are to be provided to all members of Hawaii's
6 diverse population, regardless of what language they speak.

7 In an effort to comply with Act 290, Session Laws of Hawaii
8 2006, plans for twenty-six state departments and agencies and
9 more than sixty state-funded entities were completed by the end
10 of 2007. During the subsequent implementation of these language
11 access plans, and following a thorough compliance review by a
12 then fully-staffed office in 2009, several major challenges were
13 identified as preventing the state and covered entities from
14 providing limited English proficient individuals with meaningful
15 access in the form of interpretation and translation services to
16 limited English proficient individuals.

17 First, there is no comprehensive and centralized system or
18 structure in Hawaii to identify qualified language interpreters
19 and translators.

20 Second, Hawaii has a dearth of competent language
21 interpreters and translators available to assist limited English



1 proficient individuals. This is critical because a key element
2 to the successful implementation of the language access plans is
3 the availability of trained and competent interpreters and
4 translators so limited English proficient individuals can
5 receive competent, timely, and meaningful language access
6 assistance to government and government-funded services.

7 Third, despite great technological advances, state agencies
8 do not have multilingual websites that can help limited English
9 proficient individuals access needed information in their own
10 language.

11 Furthermore, a study requested by the legislature through
12 Senate Concurrent Resolution No. 67, S.D. 1 (2008), which was
13 undertaken by the office of language access, concluded that
14 there is a need and support for the establishment of a language
15 access resource center in Hawaii.

16 To address these challenges and needs, the legislature
17 created a statewide language access resource center. The
18 objective of the center is to serve as a centralized resource
19 that will meet the specific needs of government agencies and
20 state-funded entities to comply with Hawaii's language access
21 laws and benefit the general public, including the limited



1 English proficient population, and non-profit and for-profit
2 organizations.

3 The purpose of the statewide language access resource
4 center is to:

- 5 (1) Maintain a publicly available roster of language
6 interpreters and translators, listing their
7 qualifications and credentials based upon guidelines
8 established by the office of language access in
9 consultation with the language access advisory
10 council;
- 11 (2) Train state and state-funded agencies on how to
12 effectively obtain and utilize the services of
13 language interpreters and translators;
- 14 (3) Support the recruitment and retention of language
15 interpreters and translators providing services to
16 state and state-funded agencies;
- 17 (4) Provide, coordinate, and publicize training
18 opportunities to increase the number and availability
19 of qualified interpreters and translators and further
20 develop their language interpretation and translation
21 skills; and



1 (5) Work toward identifying or creating a process to test
2 and certify language interpreters and translators and
3 promote use of the process to ensure the quality and
4 accuracy of their services.

5 Through Act 217, Session Laws of Hawaii 2013, the
6 legislature also found that the establishment of multilingual
7 websites for all state agencies may contribute greatly to the
8 goal of providing limited English proficient individuals the
9 ability to electronically access information about government
10 services. Act 217 also enabled the office of language access to
11 administer a pilot project to test the utility and feasibility
12 of this idea since the office of language access is the state
13 agency that is the most directly involved in the promotion of
14 language access.

15 While Act 217 appropriated some funding to establish the
16 statewide language access resource center and the multilingual
17 website pilot project within the office of language access,
18 these amounts were less than requested. Furthermore, despite
19 the office's advance preparations, the implementation of this
20 project was delayed by unforeseen challenges associated with the
21 transfer of the office of language access as an administrative



1 attachment of the department of labor and industrial relations
2 to the department of health pursuant to Act 201, Session Laws
3 Hawaii 2012.

4 Despite funding and staffing challenges, the office of
5 language access used its limited resources creatively to get the
6 language access resource center off to a firm start. By
7 contracting with a public vendor, the initial research and
8 formatting needed to create a publicly available roster of
9 language service providers is near complete. An outside vendor
10 is also beginning work on the multi-lingual website project.

11 The legislature recognizes the language access resource
12 center's needs for permanent staffing and funding to support its
13 opening and operation so that it may build on the work it has
14 already accomplished.

15 The purpose of this Act is to appropriate funds necessary
16 to further develop the language access resource center and
17 multilingual website pilot project; and help ensure that the
18 civil rights of Hawaii's limited English proficient population
19 are protected.

20 SECTION 2. The executive director of the office of
21 language access shall have the authority to hire personnel



1 necessary to staff the language access resource center and to
2 administer its multilingual website. The staff, at a minimum,
3 shall consist of one full-time equivalent (1.0 FTE) project
4 coordinator, three full-time equivalent (3.0 FTE) program
5 specialists, and one full-time equivalent (1.0 FTE) clerk. To
6 the extent possible, the executive director shall hire bilingual
7 personnel to staff the statewide language access resource center
8 and administer its website.

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$300,000 or so much
11 thereof as may be necessary for fiscal year 2015-2016 and the
12 same sum or so much thereof as may be necessary for fiscal year
13 2016-2017 to operate a statewide language access resource center
14 within the office of language access to allow state agencies and
15 covered entities to provide interpretation and translation
16 services to limited English proficient individuals in accordance
17 with Hawaii's language access laws.

18 The sums appropriated shall be expended by the department
19 of health for the purposes of this Act.

20 SECTION 4. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$150,000 or so much



S.B. NO. 266

1 thereof as may be necessary for fiscal year 2015-2016 and the
2 same sum or so much thereof as may be necessary for fiscal year
3 2016-2017 to operate a multilingual website pilot project to
4 enable limited English proficient individuals to obtain
5 information about government services in their own language.

6 The sums appropriated shall be expended by the department
7 of health for the purposes of this Act.

8 SECTION 5. This Act shall take effect on July 1, 2015.

9

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S.B. NO. 266

Report Title:

Office of Language Access; Language Access Resource Center;
Multilingual Website Pilot Project; Interpretation and
Translation Service; Appropriation

Description:

Appropriates funds to further develop the language access resource center and multilingual website pilot project. Authorizes the hire of necessary personnel to staff the resource center and administer the multilingual website.

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