



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
**OFFICE OF LANGUAGE ACCESS**

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To: Rep. Mark M. Nakashima, Chair  
Rep. Jarrett Keohokalole, Vice Chair  
House Committee on Labor & Public Employment

From: Helena Manzano  
Executive Director, Office of Language Access

Date: February 16, 2016, 10:00 a.m.  
State Capitol, Room 309

Re: Testimony on H.B. 2227 H.D.1  
Relating to Language Access

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The Office of Language Access (“OLA”) appreciates the opportunity to testify on H.B. 2227 H.D.1 Relating to Language Access. My name is Helena Manzano, Executive Director of the Office of Language Access (OLA). OLA **strongly supports the intent** of H.B. 2227 H.D.1 which provides the funding needed by OLA to operate the Language Access Resource Center (LARC) and Multilingual Website Pilot Project – programs of OLA created by Act 217 Session Laws Hawaii 2013.

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

Since Act 217 became effective on July 1, 2013, OLA has set into motion the steps to hire staff and begin the work of the LARC and the Multilingual Website Pilot Project. The appropriation in that measure, and delayed release thereof, was inadequate to timely and effectively operate these additional programs – leaving their execution to the same three OLA staff: an executive director, a legal analyst, and a secretary.

Together with the appropriations that have been drafted into **HB2226** - which would restore original staffing for OLA - the office will be able to function as intended when Hawaii’s Language Access law was established by statute in 2006.

### **BACKGROUND ON THE CIVIL RIGHT TO LANGUAGE ACCESS**

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

Executive Order 13166 by President Clinton in 2000 specifically reinforced and emphasized the nondiscrimination provisions of Title VI; and sought to apply related case law which held that discrimination by federal or federally-funded agencies against those with limited English proficiency

(LEP) constitutes national origin discrimination. With its related regulatory guidance, Executive Order 13166 directed federal agencies to develop and implement a system by which LEP persons could meaningfully access an agency's services.

Hawaii's language access law - passed in 2006 and codified under HRS 321C - directly reflects the principles, directives, and recommendations of Title VI, Executive Order 13166, and related regulations; requiring even more from state and state-funded agencies. Act 290 (SLH 2006) also created OLA, the purpose of which is to address the language access needs of LEP persons and ensure their meaningful access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other state-funded agencies (including the counties). OLA was thus charged with providing oversight, central coordination, and technical assistance to all state and state-funded agencies in their implementation of language access compliance – now a civil right under both state and federal law.

Therefore, when OLA was created nearly 10 years ago, the office's staff of six was able to provide much needed services and guidance to agencies as they worked toward compliance with not only state language access law, but with federal regulations as well. When the 2009 Reduction-In-Force brought OLA's staff down to one, so too did the degree of compliance. Although the office eventually received enough funds to restore two of the five lost positions, it continues to lack the manpower needed to provide adequate technical assistance and compliance monitoring that meet agencies' needs. Moreover, Act 217 (SLH 2013) added the administration of the Language Access Resource Center and Multilingual Website Pilot Project, without the staffing and resources it needs to execute as intended.

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

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

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

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

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

# HAWAII FILIPINO LAWYERS ASSOCIATION

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**LATE**

Date: February 16, 2016

To: Rep. Mark M. Nakashima, Chair  
Rep. Jarrett Keohokalole, Vice Chair  
House Committee on Labor & Public Employment

Re: Testimony on H.B. 2227 HD1 - Relating to Language Access

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The Hawaii Filipino Lawyers Association (HFLA) appreciates the opportunity to submit this testimony in strong support of HB2227 HD1 relating to language access.

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

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

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

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

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

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 16, 2016 5:53 AM  
To: LABtestimony  
Cc: terrina@pacificgatewaycenter.org  
Subject: \*Submitted testimony for HB2227 on Feb 16, 2016 10:00AM\*

**LATE**

Follow Up Flag: Follow up  
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**HB2227**

Submitted on: 2/16/2016

Testimony for LAB on Feb 16, 2016 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Terrina Wong	Individual	Support	No

Comments:

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

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 15, 2016 9:22 PM  
To: LABtestimony  
Cc: hidina@msn.com  
Subject: Submitted testimony for HB2227 on Feb 16, 2016 10:00AM



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**HB2227**

Submitted on: 2/15/2016

Testimony for LAB on Feb 16, 2016 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dina R Yoshimi	Individual	Support	No

Comments: For those who are less proficient in English, multilingual language support means access to basic health care, human services and medical needs. Without that support, access can be immensely challenging, if not impossible. Our basic respect for civil rights should compel us to support this bill. If that is not motivation enough, then let our self- interest in increasing access to basic services BEFORE a lack of communication compounds costs, taking a toll both on the people involved, and on our State's resources, impel us to act. (Putting these tools in place to comply with federal guidelines is more economical than failing to do so, and being sanctioned for that failure.) We pride ourselves on our multicultural communities; let us also pride ourselves on our multilingual services, as we see now with the driver's license and State identification card processes. We can do this!

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LABtestimony

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**HB2227**

Submitted on: 2/16/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Terrina Wong	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 16, 2016 7:01 AM  
To: LABtestimony  
Cc: rebezamo@gmail.com  
Subject: Submitted testimony for HB2227 on Feb 16, 2016 10:00AM



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**HB2227**

Submitted on: 2/16/2016  
Testimony for LAB on Feb 16, 2016 10:00AM in Conference Room 309

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

Comments: I strongly support this bill.

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