

# HB2227 HD2

Measure Title: RELATING TO LANGUAGE ACCESS.

Report Title: Office of Language Access; Statewide Language Access Resource Center; Multilingual Website Pilot Project; Appropriation (\$)

Description: Appropriates funds to continue the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access. (HB2227 HD2)

Companion:

Package: None

Current Referral: CPH, WAM

Introducer(s): AQUINO, CACHOLA, DECOITE, ICHIYAMA, ING, ITO, KAWAKAMI, LOPRESTI, MIZUNO, MORIKAWA, SAY, TAKUMI, TSUJI, YAMANE



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

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

From: Helena Manzano  
Executive Director, Office of Language Access

Date: March 15, 2016, 9:00 a.m.  
State Capitol, Room 229

Re: Testimony on H.B. 2227 H.D.2  
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.2 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.2 which provides appropriations needed 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. However, it is important for agencies to understand that while the LARC may provide useful information, the fiscal and administrative responsibility for complying with language access/civil rights law lies within each agency.

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.

We also note that the appropriations originally drafted into **HB2226 and SB2284 – Relating to the Office of Language Access**, which would restore the original staffing for OLA, provides greater opportunity for fiscal economy, improved compliance, and less costly litigation against the state because those appropriations could be used to execute the functions of both OLA as well as the programming of the LARC. The passage of HB2226/SB2284 would enable OLA to function as intended when Hawaii’s Language Access law was established by statute in 2006. HB2227 HD2 goes further to enable OLA to better implement the above-referenced programs.

**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. When the 2009 Reduction-In-Force brought OLA's staff down to one, we also saw a reduction in our state's compliance with not only state language access law, but with federal regulations as well. 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 expensive and time-consuming 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.



Committee: Committee on Commerce, Consumer Protection & Health  
Hearing Date/Time: Tuesday, March 15, 2016, 9:00 a.m.  
Place: Conference Room 229  
Re: Testimony of the ACLU of Hawaii in Support of H.B. 2227, H.D.2, Relating to Language Access

Dear Chair Baker and Members of the Committee on Commerce, Consumer Protection & Health:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 2227, H.D.2, which appropriates funds to continue the operation of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access.

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

The ACLU of Hawaii often works with homeless individuals and families, many of whom are LEP and have difficulty accessing state services because they do not understand the language. This perpetuates the cycle of poverty and homelessness. To achieve the state’s goal of alleviating homelessness, it is imperative that services provided by the Office of Language Access, such as the Statewide Language Access Resource Center and the Multilingual Website Pilot Project, receive sufficient funding to ensure that Hawaii’s LEP population is afforded equal access to necessary state services.

Thank you for the opportunity to testify.

Sincerely,

Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

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

American Civil Liberties Union of Hawaii  
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Testimony in Strong Support of HB 2227 HD2  
Senate Committee on Commerce, Consumer Protection, and Health  
March 15, 2016, 9 a.m., Conference Room 229

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

From: Charlene Cuaresma, MPH, Principal Investigator  
Asian American Network for Cancer Awareness, Research and Training  
[ccuaresma@gmail.com](mailto:ccuaresma@gmail.com)

Report Title: Office of Language Access; Statewide Language Access Resource Center; Multilingual Website Pilot Project; Appropriation (\$)  
Description: Appropriates funds to continue the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access. (HB2227 HD2)

Dear Chair Roslyn Baker, Vice Chair Michelle Kidani, and Senate Ways and Means Committee Members:

My name is Charlene Cuaresma. I am happy to submit strong support for this bill, as principal Investigator for the Asian American Network for Cancer Awareness Research and Training (AANCART). We are a Community Network Program of the National Cancer Institute. AANCART was established to address cancer disparities among Asian Americans through research, education, training, and advocacy.

We strongly urge you to continue funding the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access. They are critical for complying with civil rights protections for language access, which are key to overcome barriers to health care. According to the 2010 U.S. Census Bureau, there are over thirty languages that are spoken at home in Hawai'i. Among the top are Philippine languages Ilokano, Tagalog, Bisyan, and Japanese. Of these groups, those who need the most assistance with language access services are likely to be poor, elderly, or work in service and agricultural industries. With great dedication of a few, tremendous strides have been made despite years of inadequate funding for the Office of Language Access. Much more gains can be realized with this bill for a modest allocation to fill three staff positions. Diversity and multilingualism of Hawai'i's people are a unique asset to protect and invest in. The result of a healthy economy, healthy community, and a civil and compassionate society are priceless.

Thank you for hearing this bill, and for the opportunity to offer my strong support.

Sincerely,  
Charlene Cuaresma

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPH Testimony](#)  
**Cc:** [jabola@facehawaii.org](mailto:jabola@facehawaii.org)  
**Subject:** Submitted testimony for HB2227 on Mar 15, 2016 09:00AM  
**Date:** Sunday, March 13, 2016 8:54:04 PM

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**HB2227**

Submitted on: 3/13/2016

Testimony for CPH on Mar 15, 2016 09:00AM in Conference Room 229

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

Comments: The Hawai'i Coalition for Immigrant Rights, the immigration arm of Faith Action for Community Equity (FACE), strongly supports this measure. About one-fourth of the population 5 years and over living in our islands speaks a language other than English at home. A vibrant Language Access Resource Center and online reference hub is critical to ensuring that these families can thrive as healthy and productive members of our society. We ask that you favorably consider HB 2227. Thank you for this opportunity to testify.

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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# Filipino American Citizens League

Jake Manegdeg, President  
P. O. Box 270126 ★ Honolulu, Hawai'i 96827

Testimony in Strong Support of HB 2227 HD2  
Senate Committee on Commerce, Consumer Protection, and Health  
March 15, 2016, 9 a.m., Conference Room 229

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

From: Jake Manegdeg, President, Filipino American Citizens League

Report Title: Office of Language Access; Statewide Language Access Resource Center; Multilingual Website Pilot Project; Appropriation (\$)

Description: Appropriates funds to continue the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access. (HB2227 HD2)

Dear Chair Roslyn Baker, Vice Chair Michelle Kidani, and Senate Ways and Means Committee Members:

My name is Jake Manegdeg. I am proud to strongly support this bill. The League was formed over ten years ago to contribute to the advancement of civil rights and social justice for minority groups, underserved populations, and vulnerable communities through education, advocacy, and social action.

Continued funding of the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access is vital to overcoming barriers to access and non-discrimination of health and government services that are essential for people's survival today. Institutional support to implement the provisions of Act 217 of Hawai'i's language access law demonstrates priorities of the State to help people, rather than waste tax payers money on preventable and costly litigation for non-compliance of civil rights laws.

Thank you very much for hearing this bill and for your consideration of its merit.

Very Sincerely,

Jake Manegdeg  
President, Filipino American Citizens League



March 15, 2016, 9am

TO: Chair Baker and members of the Committee on Commerce, Consumer Protection, and Health

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

RE: HB 2227 hd2 Relating to Language Access

I am representing the Hawai'i Friends of Civil Rights (HF CR) in support of hb2227 hd2 which provides funds for the statewide language access resource center and multilingual website. HF CR supports policies, programs and individuals who are committed to state and federal laws relating to equal rights and non-discrimination. We see language access as a civil rights issue for our multilingual community.

HF CR strongly supports hb 2466 which will provide resources to implement the state and federal mandates for equal access. It is necessary to utilize current technology and materials to allow Hawaii community members whose first language is not English to access state and other services and help them fully participate fully. With additional resources government services will become accessible and will help these residents, many of whom are low-income and seeking to improve their education and employment skills.





Testimony in Strong Support of HB 2227 HD2  
Senate Committee on Commerce, Consumer Protection, and Health  
March 15, 2016, 9 a.m., Conference Room 229

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

From: Rouel Velasco, Chair  
National Federation of Filipino American Associations Region 12

Report Title: Office of Language Access; Statewide Language Access Resource Center;  
Multilingual Website Pilot Project; Appropriation (\$)

Description: Appropriates funds to continue the operations of the Statewide Language Access  
Resource Center and Multilingual Website Pilot Project within the Office of  
Language Access. (HB2227 HD2)

My name is Rouel Velasco. As Chair of the National Federation of Filipino American Associations Region 12, I strongly support this bill.

NaFFAA represents the interests of Filipinos in Hawai‘i, Guam, and the Commonwealth of Northern Marianas Islands. NaFFAA Region XII is an affiliate of the National NaFFAA. Washington policy-makers, private industry and national advocacy groups recognize NaFFAA as the Voice of Filipinos and Filipino Americans throughout the United States. We are a non-partisan, non-profit national affiliation of more than five hundred Filipino-American institutions and umbrella organizations that span twelve regions throughout the continental United States and U.S. Pacific territories.

I commend the Office of Language Access, OLA volunteer Advisory Council Members, and the many partners in the public and private sector who have worked collaboratively and persistently to build the state’s capacity and infrastructure for language access to vital human services during severe budget shortages. Continued funding of the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access is important in order to maintain and build upon the progress made.

Thank you for hearing this bill and for the opportunity to submit testimony in strong support of language access. All of Hawai‘i’s people will benefit when the most vulnerable of our family and friends are assisted to fully engage in caring for themselves, their families, and communities.

Sincerely,

Rouel Velasco, Chair, NaFFAA Region 12



## *Nursing Advocates & Mentors, Inc.*

*... a non-profit organization with a mission to address the global nursing shortage by providing guidance and assistance for nursing colleagues to obtain their professional license in nursing.*

*NAMI, P.O. Box 2034 Aiea, HI 96701*

*E-mail: bramosrazon@aol.com*

Testimony in Strong Support of HB 2227 HD2  
Senate Committee on Commerce, Consumer Protection, and Health  
March 15, 2016, 9 a.m., Conference Room 229

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

From: Beatrice Ramos-Razon, RN, FACDONA  
President, Nursing Advocates and Mentors, Inc.

Report Title: Office of Language Access; Statewide Language Access Resource Center; Multilingual Website Pilot Project; Appropriation (\$)

Description: Appropriates funds to continue the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access. (HB2227 HD2)

Dear Chair Roslyn Baker, Vice Chair Michelle Kidani, and Members of the the Senate Committee on Commerce, Consumer Protection, and Health,

My name is Beatrice Ramos-Razon. As the founder and president of NAMI (Nursing Advocates & Mentors, Inc.), I am proud to submit our strong support for this bill. NAMI's membership is comprised of over 75 volunteer nurses, instructors, allied health care professionals, and Filipino leaders, who are dedicated to improve the health of Hawai'i's people through education, mentoring, advocacy and service.

NAMI actively advocated for Hawaii's Language Access bill in 2006. Continued funding of the operations of the Statewide Language Access Resource Center and Multilingual Website Pilot Project within the Office of Language Access will support state offices to carry out provisions of Title VI. This is important because income inequality during these austere times makes access to government services even more critical to keep vulnerable communities and individuals afloat.

Thank you for this opportunity to testify and for hearing these bills.

Sincerely,

Beatrice Ramos-Razon, RN, FACDONA  
President, Nursing Advocates and Mentors, Inc.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPH Testimony](#)  
**Cc:** [terrina@pacificgatewaycenter.org](mailto:terrina@pacificgatewaycenter.org)  
**Subject:** \*Submitted testimony for HB2227 on Mar 15, 2016 09:00AM\*  
**Date:** Monday, March 14, 2016 5:39:21 AM

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**HB2227**

Submitted on: 3/14/2016

Testimony for CPH on Mar 15, 2016 09:00AM in Conference Room 229

<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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