

MAR 11 2021

SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO CONVENE A WORKING GROUP TO DEVELOP
RECOMMENDATIONS FOR EFFECTIVE COMMUNICATIONS WITH LIMITED
ENGLISH PROFICIENT PERSONS AND PERSONS WITH DISABILITIES
BEFORE, DURING, AND AFTER EMERGENCIES AND NATURAL
DISASTERS.

1 WHEREAS, the 2019 State of Hawaii Data Book reported that
2 the portion of Hawaii's total population that is five years old
3 and above is 1,331,641; and
4

5 WHEREAS, roughly one in four people in the State, or
6 348,139, speak a language other than English at home; and
7

8 WHEREAS, the 2019 State of Hawaii Data Book also reported
9 that 161,055, or approximately one in nine of Hawaii's residents
10 indicated that they speak English "less than very well",
11 classifying them as limited English proficient persons; and
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13 WHEREAS, Hawai'i has one of the highest proportions of
14 non-English speakers in the United States; and
15

16 WHEREAS, language access is a civil right that derives from
17 Title VI of the Civil Rights Act of 1964, which provides that
18 "[n]o person in the United States shall, on the ground of race,
19 color, or national origin, be excluded from participation in, be
20 denied the benefits of, or be subjected to discrimination under
21 any program or activity receiving Federal financial assistance";
22 and
23

24 WHEREAS, in *Lau v. Nichols*, 414 U.S. 563 (1974), the United
25 States Supreme Court held that failure to ensure meaningful
26 access to services for limited English proficient persons is a
27 form of national origin discrimination prohibited by Title VI of
28 the Civil Rights Act of 1964; and



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1 WHEREAS, Executive Order 13166 issued by President Clinton
2 on August 11, 2000, directed all federal agencies and entities
3 that received federal funding to examine their services and to
4 develop and implement systems to provide meaningful access to
5 limited English proficient persons; and
6

7 WHEREAS, the Office of Language Access, established in
8 2006, reaffirmed Hawaii's commitment to civil rights and
9 inclusive access to services regardless of national origin; and
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11 WHEREAS, the State has been cited repeatedly by the federal
12 court, federal offices of civil rights, including the Department
13 of Justice, and Hawai'i Civil Rights Commission, for its failure
14 to provide language accessible services for limited English
15 proficient persons; and
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17 WHEREAS, during the pandemic, Hawaii's limited English
18 proficient community has expressed concern and dismay regarding
19 non-existent or limited access to essential state services,
20 including health related information and unemployment benefits,
21 in a language they understand; and
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23 WHEREAS, the 2018 Disability Status Report by Cornell
24 University reported that 51,300 Hawai'i residents are hearing
25 disabled and 25,100 Hawai'i residents are blind or experience
26 serious difficulty seeing, even when wearing glasses; and
27

28 WHEREAS, the Rehabilitation Act of 1973 bars entities
29 receiving federal funds from discriminating against individuals
30 with any disability in the provision of programs and requires
31 that all electronic and information technology resources
32 developed with federal funds be completely accessible; and
33

34 WHEREAS, Title II of the American with Disabilities Act
35 prohibits discrimination by state or local governments and
36 requires that state and local governments ensure that their
37 communications, including emergency communications, are fully
38 accessible to people with disabilities; and
39

40 WHEREAS, bridging the language divide experienced by the
41 limited English proficient, deaf, blind, and disabled



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1 communities is essential to ensuring equitable access to
2 services, programs, and activities for all Hawai'i residents; and
3

4 WHEREAS, effective and appropriate communication that
5 reaches these communities during natural disasters or emergency
6 events is critical to protecting lives, families, and the
7 State's diverse communities; and
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9 WHEREAS, providing accessible communication and services in
10 emergency and disaster management services, health care
11 services, public benefit services, unemployment benefits, and
12 other services critical to ensuring the safety, health, and
13 welfare of limited English proficient and disabled persons in
14 natural disasters and emergency events is required by federal
15 and state laws; and
16

17 WHEREAS, convening a working group of stakeholders is a
18 significant step toward sharing information and solutions,
19 developing and leveraging resources, and formulating action
20 steps to ensure meaningful access for limited English
21 proficient, deaf, blind, and disabled persons; now, therefore,
22

23 BE IT RESOLVED by the Senate of the Thirty-first
24 Legislature of the State of Hawai'i, Regular Session of 2021, the
25 House of Representatives concurring, that the Governor is
26 requested to convene a working group to develop recommendations
27 for effective communications with limited English proficient
28 persons and persons with disabilities before, during, and after
29 emergencies and natural disasters; and
30

31 BE IT FURTHER RESOLVED that the working group is requested
32 to develop a plan to ensure that communication services,
33 including translation, are accurate, culturally appropriate,
34 meaningful, and timely; and
35

36 BE IT FURTHER RESOLVED that the working group is requested
37 to identify necessary resources and costs to effectuate the
38 purpose of this measure, such as information technology
39 software, translation costs, and interpreter costs; and



1 BE IT FURTHER RESOLVED that the working group is requested
2 to comprise the following members:

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- 4 (1) One individual appointed by the Governor who shall
5 serve as the co-chair;
- 6
- 7 (2) Two individuals appointed by the Hawai'i Coalition for
8 Immigrant Rights, one of which shall serve as
9 co-chair;
- 10
- 11 (3) The Attorney General or their designee;
- 12
- 13 (4) The Director of Health or their designee;
- 14
- 15 (5) The Director of Human Services or their designee;
- 16
- 17 (6) The Director of Labor and Industrial Relations or
18 their designee;
- 19
- 20 (7) The Administrator of Hawai'i Emergency Management
21 Agency or their designee;
- 22
- 23 (8) The Chief Information Officer of the Office of
24 Enterprise Technology Services or their designee;
- 25
- 26 (9) The Executive Director of the Office of Language
27 Access or their designee;
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- 29 (10) The Director of the Office on Equality and Access to
30 the Courts or their designee;
- 31
- 32 (11) The Executive Director of the Disability and
33 Communication Access Board or their designee;
- 34
- 35 (12) The Executive Administrator of the Hawai'i State
36 Council on Developmental Disabilities or their
37 designee;
- 38
- 39 (13) The Executive Director of the Hawai'i Civil Rights
40 Commission or their designee;



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- 1 (14) The Civil Defense Administrator of the Hawai'i County
2 Civil Defense Agency or their designee;
3
- 4 (15) The Administrator of the Kaua'i Emergency Management
5 Agency or their designee;
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- 7 (16) The Administrator of the Maui Emergency Management
8 Agency or their designee;
9
- 10 (17) The Director of the City and County of Honolulu
11 Department of Emergency Management or their designee;
12
- 13 (18) One representative from the Hawai'i State Council on
14 Developmental Disabilities, to be appointed by the
15 Council;
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- 17 (19) One representative from the Inter-Agency Council for
18 Immigrant and Refugee Services, to be appointed by the
19 Council;
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- 21 (20) One person with a disability appointed by the
22 Disability and Communication Access Board;
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- 24 (21) One person with a developmental disability appointed
25 by Hawai'i State Council on Developmental Disabilities;
26 and
27
- 28 (22) One person with limited English proficiency appointed
29 by the Inter-Agency Council for Immigrant and Refugee
30 Services; and
31

32 BE IT FURTHER RESOLVED that the language and disability
33 access working group is requested to submit to the Legislature a
34 report of its findings and recommendations, including any
35 proposed legislation, no later than October 31, 2021; and
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37 BE IT FURTHER RESOLVED that certified copies of this
38 Concurrent Resolution be transmitted to the Governor, Attorney
39 General, Director of Health, Director of Human Services,
40 Director of Labor and Industrial Relations, Administrator of
41 Hawai'i Emergency Management Agency, Chief Information Officer of
42 the Office of Enterprise Technology Services, Executive Director

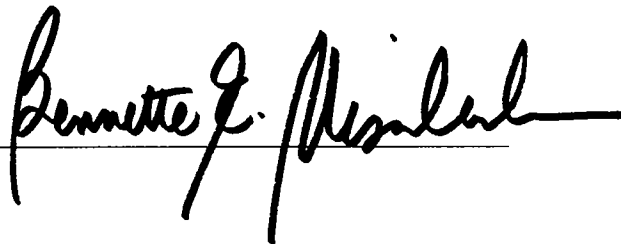


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1 of the Office of Language Access, Director of the Office on
2 Equality and Access to the Courts, Executive Director of the
3 Disability and Communication Access Board, Executive
4 Administrator of the Hawai'i State Council on Developmental
5 Disabilities, Executive Director of the Hawai'i Civil Rights
6 Commission, Civil Defense Administrator of the Hawai'i County
7 Civil Defense Agency, Administrator of the Kaua'i Emergency
8 Management Agency, Administrator of the Maui Emergency
9 Management Agency, Director of the City and County of Honolulu
10 Department of Emergency Management, Head of the Hawai'i Coalition
11 for Immigrant Rights, and President of the Inter-Agency Council
12 for Immigrant and Refugee Services.

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OFFERED BY:

A handwritten signature in black ink, reading "Bennette J. Mizaluk", written over a horizontal line.