

MAR 11 2021

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# SENATE 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  
12

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  
10

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  
16

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  
22

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  
8

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,  
25 that the Governor is requested to convene a working group to  
26 develop recommendations for effective communications with  
27 limited English proficient persons and persons with disabilities  
28 before, during, and after emergencies and natural disasters; and  
29

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

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



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

- 3  
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;  
28  
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;  
6
- 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;  
16
- 17          (19) One representative from the Inter-Agency Council for  
18          Immigrant and Refugee Services, to be appointed by the  
19          Council;  
20
- 21          (20) One person with a disability appointed by the  
22          Disability and Communication Access Board;  
23
- 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  
36

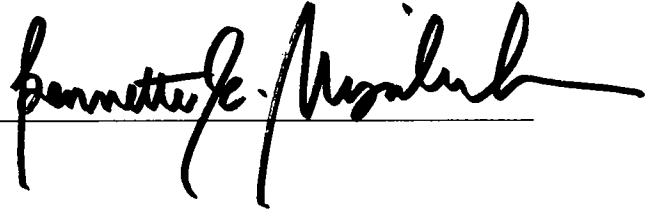
37           BE IT FURTHER RESOLVED that certified copies of this  
38 Resolution be transmitted to the Governor, Attorney General,  
39 Director of Health, Director of Human Services, Director of  
40 Labor and Industrial Relations, Administrator of Hawai'i  
41 Emergency Management Agency, Chief Information Officer of the  
42 Office of Enterprise Technology Services, Executive Director of



1 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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15

OFFERED BY:

A handwritten signature in black ink, appearing to read "Bennett J. Mizaluk", is written over a horizontal line.