

OFFICE OF LANGUAGE ACCESS

2007 ANNUAL REPORT TO THE
HONORABLE LINDA LINGLE
GOVERNOR OF THE STATE OF HAWAII

OFFICE OF LANGUAGE ACCESS
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EXECUTIVE SUMMARY

The Office of Language Access (OLA) was established by Act 290, Session Laws of Hawaii 2006, Twenty-third State Legislature. The Act mandates the OLA to provide oversight, central coordination, and technical assistance to state and covered entities to ensure their implementation of language access requirements and compliance with the requirements for the provision of language services under the law.

During this reporting period, the OLA accomplished the following:

1. Established and organized the Language Access Advisory Council;
2. Completed staffing of the office and established operating procedures;
3. Performed outreach and education activities including creation of an OLA website, publication and distribution of the OLA newsletter, brochures and multilingual posters, presentations to community organizations, participation in community fairs and conferences, and contribution of information for publications;
4. Provided technical assistance to state agencies and covered entities through a series of statewide workshops, training sessions with agency staff, and one-on-one or group meetings with agencies;
5. Ensured compliance with the law and the meeting of deadlines for submission of language access plans;
6. Developed a complaint process;
7. Conducted research on the demographic profile of Hawaii's LEP population to determine the level of language service needs and costs in Hawaii; and
8. Collaborated with other agencies such as the Compact of Free Association (COFA) Task Force, the Judiciary's OEAC training of Micronesian interpreters.

I. INTRODUCTION

Act 290, Session Laws of Hawaii 2006, established the Office of Language Access as an administratively attached agency within the Department of Labor and Industrial Relations.

Purpose of the Language Access Act

The purpose of this Act is "to affirmatively address, on account of national origin, the language access needs of limited English proficient (LEP) persons" by requiring the State and covered entities (a person or organization receiving state funds for the purposes of rendering services to the public) to provide assistance to these individuals who are eligible for certain state-provided or state-funded programs. Specifically, Act 290 requires, under certain circumstances, the provision of oral and written language services to LEP persons to ensure "meaningful access" to state services or state-funded programs.

The Act mandates the Office of Language Access to provide oversight, central coordination, and technical assistance to state and covered entities in their implementation of language access requirements and in the provision of language services under the law.

Report Requirement

Act 290 requires the Office of Language Access to submit an annual report to the Governor and the Legislature no later than twenty days prior to the opening of each regular session.¹ The report shall detail “compliance, complaints and resolutions, recommendations to enhance compliance, and statutory or administrative changes to further the purposes” of the Act.

II. ESTABLISHMENT OF THE OFFICE OF LANGUAGE ACCESS

The OLA began its operations with the appointment of the Executive Director on April 25, 2007.

Appointment of the Executive Director

The Executive Director of the Office of Language Access, Serafin P. Colmenares Jr., was appointed by the Governor on April 25, 2007. Mr. Colmenares holds a master’s degree in public health from the University of Hawaii and a Ph.D. degree in political science from the University of Delhi (India). Prior to his appointment, he worked in the Executive Office on Aging at the State Department of Health. His work history includes positions at the Hawaii Community Foundation, Catholic Charities Immigrant Services, Lanakila Easy Access Project (DOH), Bilingual Access Line, and Hawaii Medical Services Association. Mr. Colmenares also conducted research at the East-West Center Population Institute and the University of Hawaii; and taught at Chaminade University, Leeward Community College, and Mindanao State University. An immigrant from the Philippines, Mr. Colmenares speaks several languages, is actively involved in the Filipino community, and has worked in various capacities to help other immigrants assimilate and gain access to vital services.

Staffing

The OLA has five staff positions in addition to the Executive Director; a senior legal analyst, two research analysts, a legal clerk, and a clerk typist.

Budget

The office has an approved budget of \$316,500 for FY 2006-2007, \$374,651 for FY 2007-2008 and \$440,000 for FY 2008-2009.

III. ESTABLISHMENT OF THE LANGUAGE ACCESS ADVISORY COUNCIL

The Language Access Advisory Council was established in June 2007 with the appointment of its interim members by the Governor. The Council’s function is to advise the Executive Director on the implementation of language access requirements. The Council started operating following the approval of its by-laws, the election of its officers, and the formation of its committees.

¹ The statutory provisions of Act 290 were codified as sections 371-31 to -37, Hawaii Revised Statutes, but the annual reporting requirement remains part of Act 290.

Appointment of Members

The Language Access Advisory Council is composed of eleven members, including the Executive Director as an ex officio member.² Representatives from specific groups and segments of the community as defined in Act 290 were appointed by the Governor. The following appointments of Council members were confirmed by the Senate during the special legislative session in October 2007.

- Dominic Inocelda, Chairman of the Inter-Agency Council for Immigrants and Refugees. Mr. Inocelda has a master's degree in social work, is a program manager with the Susannah Wesley Community Center in Kalihi, and has worked with immigrants for more than 30 years. (Term 2007 – 2008)
- Gerald Ohta, EEO Officer, State Department of Health. Mr. Ohta has been with state government in various capacities and has worked with language access groups, locally and on the mainland, for several years. (Term 2007 – 2008)
- Sr. Earnest Chung, Social Policy Director, Catholic Charities Hawaii. Sr. Chung has a master's degree in public health and has been a Director of Immigrant Services for Catholic Charities and a Director for the Alzheimer's Association. She is very active in the Chinese community. (Term 2007 – 2008)
- Lito Asuncion, Planner, Hawaii Center on Aging. Mr. Asuncion has a master's degree in sociology. He has worked in immigration and elderly services and is a leader in the Filipino community. (Term 2007 – 2011)
- Dr. Suzanne Zeng, Professor of Linguistics, Center for Interpretation and Translation Studies. Dr. Zeng is a Ph.D. in linguistics, speaks fluent Chinese, and is actively involved in interpretation and translation services. (Term 2007 – 2011)
- Dr. Tin Myaing Thien, Director, Pacific Gateway Center. Dr. Thien has a Ph.D. degree, has worked for the United Nations, and brings a wealth of experience in program planning and fundraising. (Term 2007 – 2010)
- Canisius Filibert, Program Director, Pacific Resources for Education and Learning. Mr. Filibert has a master's degree in linguistics and is the President of the Micronesian Community Network which undertakes projects to uplift the socio-economic conditions of members in the Micronesian community. (Term 2007 – 2010)
- Namaka Rawlins, Director, Aha Punana Leo and Professor at the UH-Hilo Hawaiian Language Center. Ms. Rawlins has been actively involved in the promotion and preservation of the Hawaiian language for over 20 years. (Term 2007 – 2009)

² The executive director of the Hawaii Civil Rights Commission is currently a member of the Council but was originally intended to be an ex officio member. OLA plans to correct this oversight in the next regular legislative session.

- Alohalani Boido, Hawaii Interpreter Action Network. Ms. Boido has a master's degree in political science, works with the University of Hawaii, and is a certified court interpreter for Spanish. She is actively involved in the promotion of training and certification of interpreters. (Term 2007 – 2009)

Organization and Meetings

The Language Access Advisory Council held its first, organizational meeting on July 5, 2007. Dominic Inocelda and Gerald Ohta were elected as Chair and Vice Chair respectively. The by-laws of the Council were adopted during the Council's September 12, 2007 meeting, and committees were organized with the following chairs: Legislative Committee - Sr. Earnest Chung; Plans Review Committee - Lito Asuncion; Special Projects Committee - Dr. Tin Myaing Thien; and By-Laws and Procedures Committee - Namaka Rawlins. The Council holds its regular meetings every first Tuesday of the month.

IV. OUTREACH AND EDUCATION

The OLA endeavored to reach and educate its clients and the community by establishing a website, producing and distributing a newsletter, brochures and multilingual posters, giving presentations to community organizations and participating in several community fairs and conferences.

Website

The OLA website (www.state.gov/labor/ola) was launched in June 2007 and provides a brief overview of the agency and its functions. It also contains information on Act 290, the Language Access Advisory Council, approved language access plans, multilingual poster, the OLA brochure and rack card, elements of a language access plan, and the agency's complaints procedure and forms. It also allows individuals and organizations to request assistance on-line.

Newsletter

The first issue of the OLA quarterly electronic newsletter, the OLA Quarterly, was issued in early December 2007. Printed copies were distributed to various community organizations and the Language Access Advisory Council.

Brochures

The OLA created a brochure, "Hawaii's Language Access Law", to inform the State and covered entities of their responsibilities under the law. In addition, the OLA developed a rack card, "Understanding Your Rights", for the LEP population and translated it into Chinese, Japanese, Korean, Ilokano, and Tagalog.

Multilingual Poster

The OLA produced a multilingual poster, "If You Need An Interpreter" that includes 22 languages to help identify LEP clients.

Community Presence

Understanding the need for public awareness, the OLA staff participated in several community fairs and conferences: the annual Hawaii State Coalition Against Domestic Violence Conference in August 2007; the Hawaii Seniors' Fair on September 21-23, 2007; the Taste of Kalihi on September 29, 2007; the National Federation of Filipino-American Associations-Pacific Region Conference on October 27, 2007; and the Leeward Community College Family Fun Fair on November 10, 2007. Staff distributed OLA brochures and multilingual posters, and answered questions from attendees about our agency.

The OLA staff has also given presentations to non-profit agencies and community organizations such as the Inter-Agency Council on Immigrants and Refugees, the Nations of Micronesia, and Domestic Violence Action Center.

Publicity and Networking

The OLA was featured in the editorial of the Fil-Am Courier, a local Filipino newspaper, in its June 2007 issue; appeared in an article in the Hawaii Business News magazine (August 2007); and will be featured as part of a survey of the status of language access programs in the United States being published by the Annie Casey Foundation.

In addition to establishing links with the local language access network, the OLA also developed relationships with language access agencies on the U.S. mainland – in Alaska, California, Washington, Minnesota, Illinois, Maryland, New York, Philadelphia, etc. – and has become a member of the Annie Casey Foundation's Language Access Convening Group.

V. TECHNICAL ASSISTANCE

The OLA provided technical assistance to State departments and covered entities by conducting a series of workshops statewide, training sessions with agency staff, and meeting with agencies individually or as a group. Training sessions focused on understanding the requirements of the law, implementation of the agency's language access plan, reporting requirements, resources for interpretation and translation, and other issues.

Statewide Workshops and Coordinators' Meetings

As part of its function of providing technical assistance to state agencies and covered entities on the language access law and developing a language access plan, the OLA held 19 workshops statewide during the months of August and September 2007. A total of 308 individuals attended the workshops, representing 188 state agencies or covered entities.

Site	No. of Workshops	No. of Attendees	No. of Agencies
Oahu	11	193	126
Kauai	2	31	11
Maui	2	41	27
Hawaii:			
Hilo	2	33	17
Kona	2	10	7
Total:	19	308	188

The OLA held a meeting with all the state language access plan coordinators on October 1, 2007 to ascertain and discuss language access plan implementation issues. Some of the major issues identified during this meeting included the lack of appropriate funding for language services, a lack of trained interpreters, the need for staff training, data collection and reporting, and the need for centralization. A second meeting held on November 14, 2007 produced a list of suggested solutions for each issue. Future meetings will further refine these suggested solutions.

VI. COMPLIANCE AND ENFORCEMENT

The OLA was able to work with state agencies and covered entities in developing their plans and, as a result, deadlines for the submission of language access plans have been or are being met. We also developed a complaint process, and are currently crafting our administrative rules, as well as its monitoring and reporting tools.

Federally-Funded State Agencies

The law requires state agencies receiving federal funds to submit their language access plans to the OLA by July 1, 2007. There are seventeen (17) state agencies falling under this category. All seventeen agencies submitted their language access plans and OLA has reviewed and approved all of them for implementation. These agencies are:

- Department of Accounting and General Services
- Department of Agriculture
- Department of the Attorney General
- Department of Business, Economic Development and Tourism
- Department of Defense
- Department of Education
- Department of Hawaiian Homelands
- Department of Health
- Department of Human Services
- Department of Labor and Industrial Relations
- Department of Land and Natural Resources
- Department of Public Safety
- Department of Transportation
- Hawaii Public Library System
- Judiciary
- Office of Hawaiian Affairs
- University of Hawaii System

Non-Federally Funded State Agencies

State agencies that do not receive federal funds are required by law to submit their language access plans to the OLA by July 1, 2008. We requested, however, that these agencies submit their plans to us no later than December 31, 2007. There are eight (8) agencies that fall in this category: Office of the Governor, Office of the Lieutenant Governor, Senate, House of Representatives, Department of Budget and Finance, Department of Commerce and Consumer Affairs, Department of Human Resources Development, and Department of Taxation. At the

time of this report, the plans of four (4) agencies have been approved, while the plans of the other four (4) agencies are being reviewed.

Covered Entities

Covered entities, which include county agencies and non-profit organizations, are required by law to establish their language access plans but are not required to submit them to the OLA. The law also does not provide a deadline for covered entities. The OLA, however, requested these agencies to submit their plans by December 31, 2007. There are approximately one hundred fifty (150) of these covered entities. As of this date, twenty (20) have submitted their plans: Department of Community Services of the City & County of Honolulu; Department of Facility Maintenance of the City & County of Honolulu; Aloha House; Aloha United Way; Girl Scouts of Hawaii; Goodwill Industries; Hawaii Health Systems Corporation; Hawaii Family Support 360 Project; Honolulu Family Therapy Centre, Inc.; Institute for Human Services; Ka Lima O Maui; Kapiolani Medical Center for Women & Children; Kauai Foodbank; Kulia Na Mamo; North Shore Mental Health Inc.; Planned Parenthood of Hawaii; Poailani, Inc.; Project Professional LLC; The Paxen Group; and Waimanalo Health Center.

Over 100 covered entities attended an OLA workshop, "Creating a Language Access Plan". The OLA staff continues to work with the remaining covered entities in developing their language access plans, including conducting workshops and providing sample plans, plan outlines, and sample language and data collection forms.

Complaint Process

The OLA developed a complaint process and corresponding forms for persons who believe they have not been provided language access services by a state agency or covered entity. The procedures and forms are posted on the OLA website and will also be printed as a brochure in various languages. To date, no complaints have been filed with our office.

Administrative Rules

Administrative rules for the OLA are in the process of being drafted with input from stakeholders. Once the rules are drafted, a public hearing will be announced to obtain the public's input.

Monitoring and Reporting

Monitoring and reporting tools are currently being developed by the OLA. The monitoring tool will be used to track how agencies are implementing their language access plans. The reporting tool will be provided to agencies and specify the data elements that need to be reported back to our agency on an annual basis. The OLA also plans to conduct annual monitoring visits to state agencies and covered entities.

VII. RESEARCH

The OLA worked with the Department of Business, Economic Development and Tourism (DBEDT) to get the most recent census data for a demographic profile of the limited English proficient population in the State of Hawaii. Additionally, we are conducting an on-line needs

assessment survey to determine the level of need for interpretation and translation services in government, business and non-profit organizations in Hawaii. Another survey is also being conducted to determine the cost involved and how much resources are currently available for providing interpretation and translation services. The two surveys are scheduled to be available on our website in December 2007. Results of the survey will be used to determine State-wide language access needs and support OLA's proposal for the establishment of a statewide centralized language bank.

VIII. COLLABORATION AND ADVOCACY

The OLA has engaged in collaborative ventures with other agencies to promote language access awareness and advocacy.

COFA Task Force

Our agency is a member of the Committee on Services of the Compact of Free Association (COFA) Task Force that was established by the Office of the Governor to address the needs of the Micronesian community in Hawaii. To address the LEP issues arising in the DOE regarding Micronesians, the OLA is working together with the Department of Education and Office of Community Services to develop solutions for this problem.

Judiciary

The OLA is co-sponsoring two training workshops for the recruitment of Micronesian interpreters (Marshallese and Chuukese), as well as a 2-day orientation workshop as part of the court interpreter certification process, with the Hawaii State Judiciary's Office of Equality and Access to the Courts. We are also working with the Judiciary to create a list of community interpreters that can be used by the State and covered entities as a language bank is developed.

Statewide Language Access Conference

Preparatory meetings for the first Hawaii language access conference on March 28-29, 2008 at the Hawaii Imin International Conference Center were initiated by the OLA. This conference will bring together participants throughout the State of Hawaii to learn about and share knowledge on language access policies, best practices, and issues. Participants will include those who are interested in language access including language access plan coordinators, interpreters, translators, students, and those providing services in the following areas: domestic violence, sexual assault, law enforcement, housing, education, health care, immigration, public benefits, family law, and government services.

The objectives for the conference are to educate users and administrators on the development and implementation of language access plans and how to use and work with interpreters and translators; recruit and train interpreters and translators on best practices, ethics, certification, and cultural competence; learn about the latest developments in language access technology; and learn about the functions and operations of a statewide centralized language bank. Local and mainland resource persons will be invited.

IX. STRATEGIC PLAN

During the December 4, 2007 meeting of the Language Access Advisory Council, the OLA's vision, mission, goals and preliminary strategies were identified and subsequently developed.

As adopted, the OLA's vision is: *Language Access for All.*

Its mission is: *To promote equal access and full participation for persons with limited English proficiency through oversight, coordination, and assistance to state and state-funded agencies.*

The OLA's goals are:

- To promote public awareness and ensure that the LEP population is informed and educated about their rights;
- To ensure that all state and covered entities are in compliance with language access requirements;
- To assist in the development of an adequate pool of trained and competent language service professionals;
- To develop staff expertise and resources;
- To ensure the just and timely resolution of complaints about language access; and
- To provide statewide leadership in the area of language access, including policymaking.

The specific strategies for each goal will be further refined in subsequent meetings. Action plans will be developed for each strategy.

X. ISSUES AND RECOMMENDATIONS

Based on discussions with state agencies and covered entities, the OLA has identified several issues relative to language access and proposed recommendations to address them.

Issues

- Compliance by covered entities – The law, while requiring covered entities to establish language access plans, does not provide a deadline for submission of those plans to the OLA. Furthermore, the law does not give the agency the authority to review and monitor the covered entities for compliance.
- Representation in the Language Access Advisory Council – The law does not provide for geographic representation (either by county or neighbor island) on the Council.
- Vagueness in the law – Some terms or provisions of the law are vague or inconsistent.
- Need for public awareness – There is a general lack of awareness of the law and its requirements, and of language access in general by all levels in State and County government.

- Lack of fiscal resources for language services – Many of the State Language Access Coordinators experience difficulty in obtaining resources to provide necessary language services.
- Dearth of trained, competent interpreters and translators – There is a need to recruit, train and certify interpreters and translators. The current interpreter and translator pool is limited, fragmented and uncoordinated.

Recommendations

In light of these issues and concerns, the OLA proposes the following:

- Amendment of the statute to correct inconsistencies, clarify terms and definitions, improve compliance by covered entities, and expand the Language Access Advisory Council to include representatives from each county.
- Establish a Language Access Month for purposes of public education and awareness of the public, government agencies and covered entities.
- Issuance of an executive memorandum to all directors of departments, reiterating the need to comply with Act 290 and properly planning for resources to address the language service needs of their respective departments.
- Establishment of a statewide centralized language bank within the OLA which shall perform two major coordination functions: recruitment and referral; and training and certification of interpreters and translators.

Language access is a major concern for the State of Hawaii given its diverse population and the continuing immigration from Asia and the Pacific Islands, especially individuals from the Compact of Freely Associated States. The establishment of the OLA is a step in the right direction. The OLA is committed to work diligently with all government agencies to address and fulfill the language service needs of the state's LEP population.