

# LANGUAGE ACCESS PLAN IMPLEMENTATION IN HAWAII

2<sup>nd</sup> ANNUAL HAWAII CONFERENCE ON LANGUAGE ACCESS

September 28, 2009

State Capitol Auditorium

Honolulu, Hawaii

Serafin P. Colmenares Jr.

Executive Director

Office of Language Access

Department of Labor and Industrial Relations

State of Hawaii

# Introduction

## Overview:

- Hawaii's Language Access Law
- Language Access Plans: What the Law Requires and What Has Been Done
- Monitoring of State Agencies: Results
- Implementation Issues
- What Needs to be Done
- OLA – The Future?

# Hawaii's Language Access Law

- Hawaii's Language Access Law passed in 2006; codified as HRS §§ 371-31 to -37.
- Purpose is to affirmatively address the language access needs of Hawaii's LEP population.
- Office of Language Access was established in 2006 to ensure compliance by state and state-funded agencies with the requirements of the law.

# Language Access Plans: What the Law Requires

- HRS § 371-34
  - Each state agency and covered entity must establish a plan for language access.
  - State agencies must submit plans to the OLA starting in 2007 and revise them every two years.
  - Each state agency must designate a language access coordinator to implement the plan.

# Language Access Plans: The OLA's Role

HRS § 371-36

- Provide oversight, central coordination, and technical assistance to state agencies in their implementation of language access requirements.
- Review and monitor each state agency's language access plan for compliance with the law.
- Investigate and resolve complaints on language access violations through informal methods

# Language Access Plans: What the OLA Has Done

- Conducted 19 workshops statewide on the language access law, the elements of a language access plan, and the process for establishing a language access plan.
- Met individually with agencies to provide assistance in establishing language access plans.
- Developed a plan outline and sample plans
- Developed tools to assist agencies to comply with the law to collect LEP data; identify public contact positions and vital documents; etc.

# Language Access Plans: What Has Been Done

- All 25 state agencies established and submitted initial language access plans to the OLA by the statutorily designated deadlines (July 1, 2007 and July 1, 2008)
- The OLA reviewed plans and gave approval for agencies to start implementing their initial plans.
- 50+ county and non-profit agencies also voluntarily submitted their plans to the OLA.

# Language Access Plans: What Has Been Done

The OLA continues to provide technical and other assistance to state agencies during the implementation phase of their plans:

- Multilingual posters made available
- Website postings of publications and best practices materials
- Regular monthly meetings with state language access coordinators

- Developed a data collection and reporting tool, and provided training on the same
- Prepared a directory of language services
- Developed tools for the identification of vital documents and of public contact positions
- Participated in on-line webinars and meetings on language access nationwide
- Established a complaints process
- Held statewide conferences and training on language access

# Monitoring of Federally-Funded State Agencies

## Departments of

- Accounting and General Services
- Agriculture
- Attorney General
- Business, Economic Development & Tourism
- Defense
- Education
- Hawaiian Homelands
- Health
- Human Services
- Labor and Industrial Relations
- Land and Natural Resources
- Public Safety
- Transportation

## Plus:

- Hawaii State Public Library System
- University of Hawaii System
- Office of Hawaiian Affairs
- Judiciary

Non-federally funded state agencies (8) will be monitored this year.

# Monitoring of Federally-Funded State Agencies

- Unannounced ocular visits (selected agencies)
- Written questionnaire (sent to agency ahead of the scheduled visit; to be completed by agency)
- Scheduled site visits (face-to-face meeting with agency to go over questionnaire)
- Report on monitoring results sent to agencies with recommendations for corrective action

# Monitoring of Federally-Funded State Agencies

- 16 of 17 state agencies participated in the monitoring process
- Monitoring tool/questionnaire contained 26 items focusing on compliance with language access plan
- Agency asked to respond as to whether it was (1) in compliance, (2) in partial compliance, or (3) in non-compliance.
- Final rating agreed upon by OLA and the agency

# Monitoring Results

Ocular inspection of selected state agencies showed:

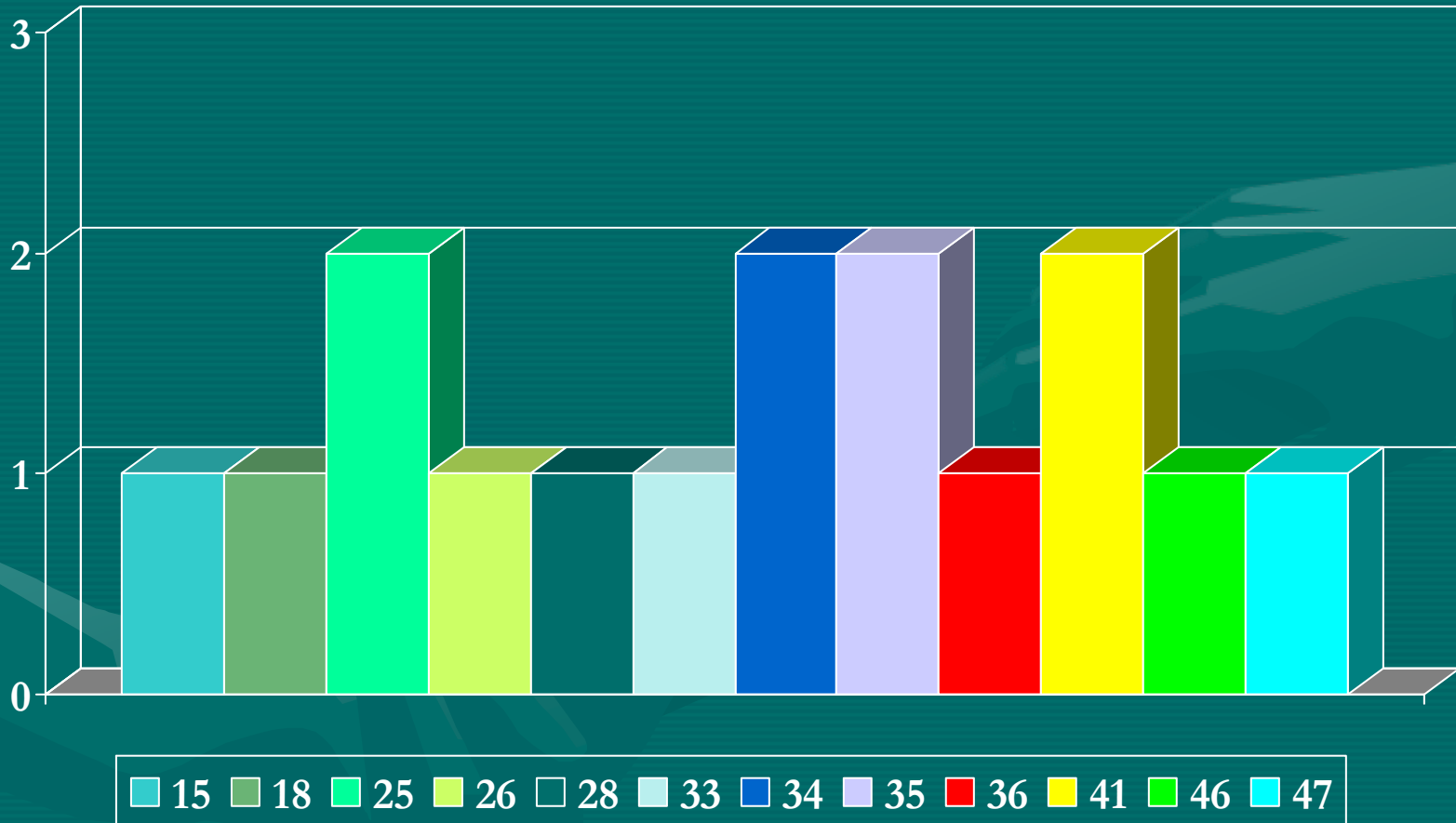
- Absence of multilingual posters
- Important notices posted are not translated into various languages
- Documents on display not translated into various languages
- Front line staff not aware of agency's language access plan

# Monitoring Results

## Questionnaire:

- Weight of responses: in compliance = 2 points; in partial compliance = 1 point; non-compliance = 0.
- Result could range from completely compliant (52 points) to completely non-compliant (0 point).
- Actual result ranged from a low of 15 to a high of 47 points. Mean score is 31.2; median is 34.5. Most agencies were in partial compliance.

# Monitoring Scores (16 Agencies)



# Common Shortfalls

- Plan dissemination and unfamiliarity
- Absence of interpretation and translation resources
- Vital documents not identified and/or not translated
- Untrained bilingual staff
- Population and languages not identified; lack of outreach
- Data collection and reporting problems
- Public contact positions not identified
- Lack of notices – posters and written notices

# Implementation Issues

- Staff training on language access plan
- Data collection and reporting
- Training of bilingual and front line staff
- Translation of vital documents
- Lack of language resources
- Budgetary constraints
- Lack of commitment to language access

# The OLA's Response

- Reported back on monitoring results to agencies, with recommended corrective actions
- Free training workshops for state agencies' bilingual staff and front line employees in May 2009, with more than 230 in attendance
- Sponsored current conference – for free – focusing on plan implementation issues and promising practices to assist state agencies

# What Needs To Be Done

- Additional training for bilingual staff and front line state employees in neighbor islands and for county and non-profit agencies
- Educate administrators on importance and need for language access
- Collaboration between state agencies to pool limited language access resources
- Amend language access law to provide consequences for non-compliance by state agencies

# The OLA's Future???

- Effective November 13, 2009, all four OLA staff will be laid-off and their positions abolished as part of the State's RIF process, leaving only the executive director to run the office.
- Implications to the operation of the office and the effective performance of its mandated functions?
- Impact on language access in Hawaii?



**MAHALO NUI LOA!**