

OLA QUARTERLY

OFFICIAL NEWSLETTER OF THE
OFFICE OF LANGUAGE ACCESS, STATE OF HAWAII

“O KA ‘ŌLELO KE OLA - LANGUAGE IS LIFE”

WINTER 2015 EDITION



OLA QUARTERLY

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U.S. Dept. of Justice Files Second Statement of Interest Supporting LEP Plaintiffs in Class Action against Hawaii over Absence of Translated Drivers License Exams



In a January 13, 2015 filing in response to the State of Hawaii’s Motion for Summary Judgment, the civil rights compliance monitoring arm of the United States Department of Justice argues that *“Defendants [Hawaii], as recipients of federal financial assistance, had notice of their obligation to provide LEP individuals with language services to ensure meaningful access to the driver’s license exam. Despite this notice, Defendants failed to provide the services in a timely fashion. Further . . . the facts upon which Defendants [Hawaii] rely actually provide circumstantial evidence of intentional discrimination.”*

If the Federal District Court of Hawaii denies the State’s motion, the case goes to trial this summer. This is definitely one to watch! The implications of the court’s decisions will be significant.

Aloha ‘Oe, Jun!

Thank you for your eight years of service as OLA’s Executive Director; and for your steadfast commitment to Language Access.



—2015 LEGISLATIVE SESSION— LANGUAGE ACCESS BILLS INTRODUCED

House Side | **Senate Side**

HB 844 -Funding to Staff OLA- SB926

HB846 -Funding for Language Access Resource Center- SB266

HB 845 -Healthcare Interpreter Certification- SB904

(More details on page 7)



MESSAGE FROM THE EXECUTIVE DIRECTOR

Jun Colmenares

Greetings! This will be my final message for the OLA newsletter. Effective February 1, 2015, I will no longer be OLA’s executive director. I would have wanted to continue, but the governor decided not to reappoint me. I will be going back to my old position at the Executive Office on Aging.

The past three months have been a hectic one, not only for the jobs on hand but also in terms of preparations for the upcoming year. We have prepared and submitted OLA’s annual report to DOH as well as to the Office of the Governor and the Legislature. We have requested the inclusion of additional funds for OLA and the LARC in the DOH budget for FY2015-17 but, unfortunately, it was taken out by the governor.

We held the 40-hour Bridging the Gap training for medical interpreters in November and were able to graduate 19 out of the 20 trainees. Mary Santa Maria of the Maui District Health Office was our trainer. On December 5-6, we had Holly Mikkelson of the Monterey Institute of International Studies conduct a workshop on court interpretation to an audience of more than a hundred. Recently, on January 22-23, 2015, we had a very successful 2-day workshop on the translation of vital documents with Kleber Palma of the New York City DOE Translation Unit as resource speaker; a hundred people attended. Currently, plans are in place to hold a 5-day statewide training for police and public safety officers on March 9-13, 2015 with Alyssa Lareau of the US Department of Justice and Deputy Chief Lyn Tomioka of the San Francisco Police Department as trainers.

In the meantime, the roster of interpreters and translators is about to be rolled out to the public while the multilingual website is scheduled to be up and running by July 2015.

Three bills are being proposed this legislative session: one requesting for the restoration of OLA staff positions lost during the 2009 RIF; another requesting for continued funding support for the LARC and multilingual website project; and one proposing for the establishment of a state board of certification for medical interpreters.

Finally, I would like to take this opportunity to thank all of those who have supported me during my time as OLA executive director. It has been a pleasure working with you. I would like to give special recognition to the OLA staff – Becky and Gail – for their hard work and dedication, and for bearing with me when I push them too hard. I will miss working with you and with language access. I pray though, that all of you will continue to serve as living stones that will build the edifice of language access, equity, and social justice in the state of Hawaii.

Aloha.

A Bid Farewell, from the Chair and Co-Chair of the Language Access Advisory Council:

Jun,

On behalf of the Language Access Advisory Council, current and past members, we were honored to serve with you. It was a milestone to get the Office of Language organized and started. You left us with a solid foundation that will last for years to come. We are part of a history that we can share with you.

Mahalo nui loa! Daghang salamat! Thank you very much! There are no words in any language that say enough.

Dominic and Gerald (Chair & Co-Chair of LAAC)



NEWS FROM OLA



December 2014 Workshop on COURT INTERPRETING

draws huge crowd of Hawaii’s interpreters -now trained by national expert -**HOLLY MIKKELSON**

The Office of Language Access, The Judiciary’s Office on Equality & Access to the Courts, and the UH Center for Interpretation and Translation Studies worked together to co-sponsor and successfully conduct a well-received 2 day workshop in the UH Manoa Campus Ballroom on Court Interpreting. Our featured trainer was **Holly Mikkelson**, Associate Professor of the Monterey Institute of International Studies. Professor Mikkelson is a state and federally certified court interpreter, and is accredited by the American Translators Association. She has been a consultant to court interpreter regulatory and training entities such as the California Judicial Council and the National Center for State Courts, and has published extensively on court and community interpreting. She is a member of the American Translators Association, the National Association of Judiciary Translators and Interpreters, and the Conference of Interpreter Trainers. She has spoken at conferences and presented workshops throughout the country and all over the world.



THE CROSS CULTURAL HEALTH CARE PROGRAM



The OLA-sponsored “Bridging the Gap” training by Seattle-based “Cross Cultural Health Care Program” turns out more trained Health Care Interpreters in Hawaii

The second series of the 40-hour “Bridging the Gap” training held on November 7-8, 14, & 21-22, 2014 has successfully concluded. It was conducted by **Mary Santa Maria**, who is a Public Health Educator with the Department of Health; a member of OLA’s Language Access Advisory Council; and the official licensed “Bridging the Gap” Trainer for the Office of Language Access.

“Bridging the Gap” helps interpreters obtain necessary training for work as a medical interpreter as well as to prepare for a national medical interpreter certification exam.

Congratulations to the following for completing the workshop:

- | | | | |
|----------------------------|------------------------|----------------------------|---------------------------|
| William Blackwell | Yukiko Hata | Dawn Kaiou | Yuka Nakatsuji |
| Joann Caplett | Soyeon Hiremath | Young-Ja Kim-Rahman | Shaoli Needham |
| Chay Cheong | Angelica Hong | Marina Kryazheva | Hideyuki Takahashi |
| Grady Dai | Metwa Iosia | Lilia Edna Lazarte | Pearl P.J.C. Yuen |
| Patricia Harpstrite | Julie Jerome | Kathlina Martin | |

The Cross Cultural Health Care Program (CCHCP) is a nonprofit training and consulting organization with a mission to serve as a bridge between communities and health care institutions to advance access to quality healthcare that is culturally and linguistically appropriate.

NEWS FROM OLA

Agency Workshop on the TRANSLATION OF VITAL DOCUMENTS with language access expert, Kleber Palma - a resounding success

On January 22-23, 2015, staff from a wide range of government and government-funded agencies gathered for an extremely useful, nuts and bolts workshop on the Translation of Vital Documents, conducted by Kleber Palma.

Kleber is the Director of the New York City Department of Education's Translation and Interpretation Unit. Kleber also has extensive experience as: the former Director of the Los Angeles Unified School District's Translations Unit; a Language Specialist for the FBI; a Translation Services Manager for a private firm in California; a freelance Spanish translator; and as a language access consultant.



Kleber Palma—enjoying the Hawaii weather and a much deserved rest in the courtyard outside the Kamehameha Auditorium of the Queens Medical Center, on Day 2 of his workshop, January 23, 2015.

Our audience also benefited from presentations and panel discussions by OLA, the Judiciary's Office on Equality and Access to the Court; The LEP Project at the Department of Human Services; the Hawaii Immigrant Justice Center; and the Hawaii Emergency Management Agency (formerly Hawaii Civil Defense).

Please contact OLA if your agency is interested in viewing the powerpoint presentations from this tremendously helpful workshop.

Language Access in Law Enforcement



Island-wide Workshops in March



Presenters include:

- Alyssa Lareau, Staff Attorney, Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice, Washington D.C.; and
- Deputy Chief Lyn Tomioka, Chief of Staff, San Francisco Police Department.

Kauai: March 9 | Oahu: March 10-11 | Maui: March 12 | Big Island: March 13

Workshop sites to be announced.

NOTE: These workshops are NOT open to the public; for invited law enforcement personnel only.

NEWS FROM OLA

More Language Access Workshops Planned



As part of its objectives to provide technical assistance to state and state-funded agencies as well as to assist in the development of an adequate and competent pool of language service providers, the Office of Language Access continues its long and comprehensive series of trainings and workshops for the upcoming fiscal year. Coming up in the spring: language access trainings for judges and educators. Stay tuned.

Note—OLA is also available to provide training on the language access law and working with interpreters to state and state-funded agencies upon request.

LANGUAGE ACCESS RESOURCE CENTER — Roster of Interpreters and Translators

Act 217 Session Laws Hawaii 2013 created the **Language Access Resource Center (LARC)** within OLA. Although timeline and funding challenges have prevented the hiring of staff for the LARC, OLA has been busily working with the Language Access Advisory Council and an outside vendor to create the framework for the LARC's publicly available online **roster of language interpreters and translators**. Agencies can use this roster to find interpreters and translators to assist their efforts in providing meaningful language access. We are currently fine-tuning the application to be on the roster, which will list Interpreter/Translator qualifications and credentials.



The roll-out for the application is projected for February/March. Thereafter, OLA will finalize the format and design of the roster itself.

NOTE: OLA will NOT be verifying the information provided by the interpreters and translators applying to be on the roster. The responsibility for vetting out these language service providers lies within the agency seeking to retain their services. Caution is strongly advised.

Interpreters and translators will be asked to declare under penalty of unsworn falsification that the information they provide is true and correct.

NEWS FROM OLA

OLA Participates in the “Cross Cultural Health Care Conference” sponsored by the UH School of Medicine's Department of Surgery

On January 16-17, 2015, at the Ala Moana Hotel, OLA’s Executive Director, and the Language Access Advisory Council’s Co-chair served on a panel presenting on “**Culturally and Linguistically Appropriate Services Standards - Legal and Regulatory Updates**”.

From left: Michael Leoz, Regional Manager for the U.S. Department of Health and Human Services (Office for Civil Rights - Region IX); Serafin (Jun) Colmenares, Executive Director of OLA; LAAC Member, Mary Santa Maria, of the Maui District Health Office; and LAAC Vice-Chair, Gerald Ohta—Affirmative Action Officer with the Hawaii’s Dept. of Health.



TRANSLATION PROCUREMENT HUI

OLA has been working with representatives of several state agencies, including staff of the Department of Human Services - LEP Project and the State Procurement Office, to collaborate, strategize, and leverage our collective



needs and resources to establish a state-wide contract for the procurement of written translation services. DHS’s LEP Project is serving as the lead agency, and reports as follows:

“At the last Hui meeting, the group decided to issue a Request for Information (RFI) to

translation vendors to gather information and/or input to help develop our RFP's scope of services. Because DHS has agreed to lead this procurement effort with SPO technical assistance, DHS has drafted the RFI which was just submitted to SPO for review/comments. At this time, we are waiting for SPO's response and instruction for next steps.”

Stay tuned . . .

If you would like to be a part of this effort, please contact rebecca.gardner@doh.hawaii.gov, and we’ll be sure to keep you apprised of our progress.

NEWS FROM OLA

LANGUAGE ACCESS BILLS

Your testimony in support is most appreciated. Links to bill status with hearing dates provided below.

**Funding to Staff OLA****HB844 & SB926—Relating to the Office of Language Access**

Establishes three positions within the office of language access to assist state agencies and state-funded agencies in implementing the requirements of Hawaii's language access law.

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=844&year=2015

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=926&year=2015

Funding for the Language Access Resource Center & Multilingual Website**HB846 & SB266—Relating to the Office of Language Access**

Appropriates funds to further develop the language access resource center and multilingual website pilot project. Authorizes the hire of necessary personnel to staff the resource center and administer the multilingual website.

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=846

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=266

State Certification of Healthcare Interpreters**HB845 & SB904—Relating to State Certification of Health Care Interpreters**

Establishes a health care interpreter qualification or certification system within the department of health. Establishes the Hawaii board of health care interpreters and authorizes the board to qualify or certify a person as a health care interpreter. Makes an appropriation.

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=845

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=904

Also of Interest: State Seal of Biliteracy**SB900—Relating to Education**

Establishes the state seal of biliteracy program and appropriates funds for the implementation of the program. http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=900

Office of Language Access—UNTOLD STORIES Project

The following stories have been collected as part of our ongoing “Untold Stories” of Language Access project. Please note, these stories seek to preserve the confidentiality of those sharing them; they have not been verified or corroborated. They are not meant to serve as the basis of any specific complaint or legal action, but are merely illustrative.

This is an ongoing project. **We are interested in gathering more stories** of both language access success and language access denial. If you have additional stories to share, please email them to rebecca.gardner@doh.hawaii.gov; and ola@doh.hawaii.gov. All efforts will be made to keep these stories, and their source, confidential.

PUBLIC HOUSING

A Chuukese woman and her kindergarten-aged child were referred to a public housing office. She was asked to fill out an application written in English, but was not given any language assistance.



The woman asked a bi-lingual friend for help with the application. The friend called the housing office to ask why the woman wasn't provided an interpreter or other assistance. The office told the woman's bilingual friend that it was the Chuukese mother's responsibility to let them know she needed an interpreter.

The Chuukese woman never returned to the office because she was unsure how to go about using the system. She never pursued the housing application and never got her own home. She opted to stay with someone else instead.

EMERGENCY ROOM



An elderly LEP man had to go to the emergency room and was accompanied by his daughter. The daughter had called ahead and requested that an interpreter be present when they arrived so she would not have to interpret. None was provided when they arrived. She repeated her request and was told that “it is ok honey, we know you will do fine.” During admissions, the daughter again requested and was denied an interpreter.

A hospital employee told the daughter that the hospital no longer had the “Language Line” interpreter service; but the daughter knew otherwise and told the employee that the hospital did, in fact, have the service.

All documents were in English, so she had to translate them for her father. The hospital staff did not see any reason to call anyone else in since the daughter was bi-lingual. The daughter did not want to do any of this. She just wanted to “be the daughter” and help her father get what he needed.

The man was later admitted and his family went home. The father again requested an interpretation of what the nurses said when they came to see him, but the hospital failed to provide it.

While his family was gone, he needed a blood transfusion, to which he had a reaction. The man tried to explain to staff that something was wrong, but no one understood. Fortunately the daughter returned in time to see what was happening.

Both of the man's daughters are nurses. Had they not been, they believe the outcome would not have been good.

The father explained to the daughters, and on his hospital release survey that he only received attention when the family was present. All physician visits were conducted in English, and included directions and information in English. No interpreter was provided when no family was present. The telephone interpreter service was not used even when the daughters requested that it be used; which was especially problematic when they were not there.

When follow-up treatment was required, the hospital asked the daughter to accompany the man for the purpose of interpreting. Based upon their experience, she felt she had no choice for the sake of her father's health and safety.

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Update on Hawaii's Language Roadmap Initiative From Dr. Dina Yoshimi

Entering the new year, the Hawai'i Language Roadmap has focused its efforts in two areas: valuing the biliteracy skills of Hawai'i's public high school students; and identifying in-state employment opportunities where these students can contribute to improving language access services in Hawai'i, and to extending global outreach beyond Hawai'i's shores. The Roadmap and its stakeholders are energized by the introduction of SB900 by Senators Chun-Oakland and Kidani, a bill which proposes to create a State Seal of Biliteracy for Hawai'i. The Seal, which has already been created in 8 states across the nation, is awarded at high school graduation in recognition of a student's proficiency in speaking, understanding, reading and writing English and an additional language. As a valued credential among employers and institutes of higher education, the Seal provides a strong motivation for classroom world language learners, home learners of a heritage language, and English language learners alike to push for high levels of proficiency in their language skills.

In order to ensure that students can "give back" to the community with their language skills, the Roadmap continues to reach out to employers at Career Fairs across the state to enhance its growing database of information about careers where such skills are in demand. At the same time, the Roadmap has begun to engage representatives from State agencies in exploring how employees with linguistic and cultural proficiency might enhance the State's capacity for providing language access. Earlier this month, a gathering of representatives from State agencies, community non-profits, and higher education participated in an information and discussion session with Michael Leoz, Regional Manager (U.S. Department of Health and Human Services, Office for Civil Rights- Region IX) to learn more about the federal requirements for language-skilled personnel in conjunction with the provision of language access. As this is an area of ongoing interest for the Roadmap, those interested in participating in future gatherings are encouraged to contact roadmap@hawaii.edu to express their interest.



DATES TO REMEMBER

Feb.. 11, 2015	Language Access Advisory Council Meeting, 9;30-11:00 a.m., DLIR Director's Conference Rm. 320, 830 Punchbowl St., Honolulu, HI 96813
Feb. 25, 2015	State Language Access Coordinators Meeting, 10:00-12:00 noon, DLIR Director's Conference Rm 320, 830 Punchbowl St., Honolulu, HI 96813
Mar. 11, 2015	Language Access Advisory Council Meeting, 9;30-11:00 a.m., DLIR Director's Conference Rm. 320, 830 Punchbowl St., Honolulu, HI 96813
Mar. 9, 2015	Language Access in Law Enforcement—Kauai Training—Kauai Veterans Memorial Convention Hall
Mar. 10-11, 2015	Language Access in Law Enforcement—Oahu Training—Police Training Academy
Mar. 12, 2015	Language Access in Law Enforcement—Big Island Training—ADRC Training Center
Mar. 13, 2015	Language Access in Law Enforcement—Maui Training—Location to be confirmed
March. 30, 2015	Deadline for state agencies to submit LEP report (for period between July—Dec 2014)
April 8, 2015	Language Access Advisory Council Meeting, 9;30-11:00 a.m., DLIR Director's Conference Rm. 320, 830 Punchbowl St., Honolulu, HI 96813
July 1, 2015	Deadline to submit revised language access plans for state agencies receiving federal funds.