

OLA QUARTERLY

Official Newsletter of the
Office of Language Access, State of Hawai'i
O ka 'ōlelo ke ola - Language is Life



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4th Annual Hawai'i Conference on Language Access

This year's 4th Annual Hawaii Conference on Language Access was held on Wednesday, August 31, 2011 at the Imin International Conference Center, East-West Center in Honolulu. Sponsored by the Office of Language Access (OLA) of the Department of Labor and Industrial Relations and the Office of Minority Health, Region IX, the conference was attended by almost 200 participants representing state and county agencies, non-profits, the private sector, students, community members, and interpreters/translators. The theme of the conference was "Kokua: First Responders—Addressing Language Access Needs in Emergencies."

The conference keynote speakers were Christina Lagdameo, deputy director of the White House Initiative on Asian Americans and Pacific Islanders, who gave a federal perspective on the language access issue, and Adrienne Pon, executive director of the Office of Civic Engagement and Immigrant Affairs of the City and County of San Francisco, who discussed what San Francisco is doing to address language access needs. A group of Micronesian community members comprised the panel on community voices, while representatives from the police, fire and EMS agencies formed the panel on first responders, and the panel on hospital emergency room services was made up of speakers from a community health clinic and several hospitals.



One of the panel discussions at the conference.

Based on evaluation results, the conference was a huge success. 98% strongly agreed/agreed that the content of the conference presentations was appropriate and informative; 88% strongly agreed/agreed that the conference gave them opportunities for collaboration and new contacts; 88% agreed that it was a valuable professional development experience; 87% thought that the food was excellent/very good/good; and 100% considered the facilities as excellent/very good/good. Overall, the quality of speakers was ranked excellent/very good/good (99%). In terms of overall satisfaction, 99% rated the conference as excellent/very good/good.

PowerPoint materials presented at the conference will be posted at www.hawaii.gov/labor/ola.

OLA RETAINED!!!

The move to abolish the Office of Language Access was not successful. Governor Neil Abercrombie announced that the office will not be abolished and, to ensure that it is able to perform its mandated functions, it will be moved to another agency where its work can best be done. The Office of the Governor and OLA will work together to do this.

In a letter to the chair of the Language Access Advisory Council dated September 15, 2011, the Governor wrote: "Thank you for your request to maintain the Office of Language Access...I fully understand the value of having such an office in state government and I have engaged my Cabinet to fulfill their obligation to provide language accessible services...Presently, there are no plans to further reduce funding for the Office of Language Access...I can assure you that immigrants have and will continue to be valuable partners with the Abercrombie Administration..."

Message from the Executive Director

Aloha! I am happy to report that the office was able to successfully tide over the most serious threat to its existence so far—its complete dissolution—when the governor decided to retain the office and its entire budget for the biennium 2011-2013. Thanks to the support of individuals and organizations, particularly the efforts of Amy Agbayani. Kudos to the governor for taking the side of the LEP community and for sticking to one of his New Day principles—that of protecting all civil and human rights regardless of category.

Corollary to the retention of OLA is a projected move to a new administrative home where the objectives and functions of the office can best be served. The bill authorizing the move will be part of the administrative package that will be presented to the incoming 2012 legislature.

The two OLA staff positions that were restored by the legislature—senior legal analyst and clerk typist—remain in the budget. Unfortunately, despite the governor's promise to support OLA's staffing needs, the DLIR Director has refused to fill the two positions, opting instead to use the money as part of the department's emergency reserves. OLA will continue to press for the filling of the two positions.

After months of planning, the 4th Annual Hawaii Conference on Language Access was held last August 31, 2011 at the East-West Center. It was hailed as a big success by participants, not only in terms of the number of attendees but also in terms of the quality of speakers and panel discussions, and the information and knowledge that participants took with them. I would like to thank Councilmember Jennifer Dotson, conference chair, as well as all the members of the Advisory Council and our volunteers, particularly Gail McGarvey, Jovanie dela Cruz and Melvin Balantac, for their dedication and hard work, as well as Terry Visperas, Casey Cho, and other staff from OCS and HCRC, for pitching in. My gratitude also goes to our co-sponsor, the Office of Minority Health of Region IX, as well as to our other partners, including the Renato and Maria A. F. Etrata Foundation, for their monetary and in-kind assistance.

The two new members of the Language Access Advisory Council were also recently sworn into office. Melba Bantay of Catholic Charities Hawaii was sworn in on August 24, while Dr. Ruth Mabanglo of UH was sworn in on September 1, 2011. Congratulations to both!

White House Agency Commends OLA

The deputy director of the White House Initiative on Asian Americans and Pacific Islanders, who was one of the keynote speakers at the 4th Annual Hawaii Conference on Language Access, recently commended the Office of Language Access for its work and called for its expansion.

In an email dated September 23, 2011 and addressed to the OLA executive director, the Governor, the Lieutenant Governor, the Director of the Department of Budget and Finance, and the Director of the Department of Labor and Industrial Relations, deputy director Christina Lagdameo said:

"Thank you for hosting me at your state's Language Access Conference. On behalf of the White House, I commend your state's efforts. The work that Hawaii's Office of Language Access does is imperative to meet the needs of Limited English Proficient (LEP) communities.

The White House Initiative on Asian Americans and Pacific Islanders works across a number of issue areas and one of our chief concerns is ensuring that Asian Americans and Pacific Islanders are able to access federal government programs and services in a linguistically appropriate manner. To that end, we work closely with the Civil Rights Division of the Department of Justice and a number of other federal agencies including the Departments of Health and Human Services, Housing, and Labor. As you know, language accessibility is crucial in ensuring communities' safety, health and well-being.

*State efforts, like Hawaii's Office of Language Access, bolster and support the work the federal government is doing to make sure individuals are not cut off from much-needed social services. You have a model program that should be expanded. We would hope that **all** states could provide the type of imperative work you are doing for the AAPI and other LEP communities. I would like to share the work that you're doing with DOJ and our federal and community partners. Please send any information as soon as you're able."*

Governor Cuomo Issues Executive Order to Improve Access to State Services for Non-English Speakers

Albany, NY (October 6, 2011) Governor Andrew M. Cuomo today issued an Executive Order requiring state agencies that provide direct public services to offer free interpretation and translation services to members of the public for vital forms and instructions.

Based on census data, the services will be offered in Spanish, Chinese, Italian, Russian, French, and French Créole.

Approximately two and a half million New Yorkers do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This presents potential barriers when trying to access important government benefits or services.

"Our state works for all people, regardless of where you were born or what language you speak," said Governor Cuomo. "We are proud that people from all around the world call New York home, making our state a beacon of diversity and tolerance. This Executive Order ensures that non-English speakers receive equal access to the programs, services, and opportunities offered by their state government."

The Governor's Deputy Secretary for Civil Rights Alphonso David will provide oversight and coordination to agencies to help them implement the provisions of the Executive Order. Agencies will fulfill the requirements of the Executive Order on a rolling basis and must fully comply within one year. The Governor's website will be translated as well.

The state agencies that will be affected by the Governor's Executive Order include, but are not limited to: Office for the Aging; Office of Alcoholism and Substance Abuse Services; Office of Children & Family Services; Department of Correctional Services & Community Supervision; Division of Criminal Justice Services; Empire State Development; Department of Health; Office of Mental Health; Department of Environmental Conservation; Division of Housing & Community Renewal; Division of Human Rights; Department of Financial Services; Department of Labor; Department of Motor Vehicles; Department of State; Office of Parks, Recreation and Historic Preservation; Office for the Prevention of Domestic Violence; Division of State Police; Office of Temporary and Disability Assistance; Division of Veterans' Affairs; Workers Compensation Board; Department of Public Service; and Office for People With Developmental Disabilities.

OLA WELCOMES VISITORS FROM FEDERAL AGENCY

Visitors from the newly established Office of Minority Health of the Food and Drug Administration, U.S. Department of Health and Human Services, based in Silver Spring, Maryland, visited the Office of Language Office on September 28, 2011. Dr. Michelle Yeboah, director, and Theresa Castillo, public health advisor, met with OLA executive director Jun Colmenares and language access advisory council chair Dominic Inocelda to discuss the state of language access in Hawaii and to get information and guidance as they develop and organize their office's language access program.

The FDA Office of Minority Health (OMH) was established in 2010, as mandated by the Affordable Care Act. OMH serves as the principal advisor to the FDA Commissioner on minority health and health disparities. It provides leadership and direction in identifying agency actions that can help reduce health disparities, including the coordination of efforts across the Agency, and advances FDA's regulatory mission in addressing the reduction of racial and ethnic health disparities and in achieving the highest standard of health for all. It's goals are: to strengthen FDA capacity to address minority health and health disparities across the Agency through coordinated leadership on regulatory actions and decision making; to promote effective communication and the dissemination of information to the public, particularly underserved, vulnerable populations; and to improve and strengthen the research and the evaluation of sub-population data associations with race and ethnicity.



Justice Department Reaches Agreement with Colorado State Courts to Remove Language Barriers

WASHINGTON - The Justice Department announced on June 28, 2011 that it has reached an agreement with officials of the Colorado Judicial Department to ensure that limited English proficient (LEP) individuals seeking services throughout Colorado's state court system will have access to timely and competent language assistance.

The agreement resolves a Justice Department investigation of a complaint alleging that the Colorado Judicial Department, which receives federal funding, was not in compliance with Title VI of the Civil Rights Act of 1964, and the non-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968. These two acts prohibit discrimination on the basis of race, color, national origin, sex or religion by recipients of federal assistance.

"Justice cannot be served without access and effective communication. This agreement shows that, even in tough economic times, this core principle can and must be attained," said Thomas E. Perez, Attorney General for the Civil Rights Division. "I thank Chief Justice Michael L. Bender, State Court Administrator Gerald Marroney, and their staff for working cooperatively with the Justice Department to bring down barriers to justice."

As part of the agreement with the Justice Department, Colorado's Chief Justice has issued a comprehensive directive that provides for free and competent interpreter services in all criminal and civil proceedings, as well as court operations. Colorado state court officials consulted with judges, administrators, and community experts to shape a directive that is an example for all courts subject to civil rights laws that require meaningful access to court proceedings and other court operations, at no charge to LEP individuals.

In addition, the Colorado Judicial Department, in consultation with DOJ, will develop state and local language access plans addressing both oral interpretation and the translation of vital written documents. An existing Court Interpreter Oversight Committee will be expanded to include a Colorado Legal Services attorney, a prosecutor, a public defender, an advocate representing the interests of the language minority populations in Colorado, and other members, all of whom shall have relevant experience in court language access issues. This committee will have the opportunity to provide feedback on the directive, the state and district plans, and implementation efforts.

Under the terms of the agreement signed today, the Justice Department will monitor Colorado's compliance for a period of at least three years.

On August 17, 2010, Perez issued a letter to chief justices and administrators of state courts clarifying the obligation of courts that receive federal financial assistance to provide oral interpretation, written translation and other language services to people who are LEP. The letter provided state courts additional guidance regarding the longstanding requirement to provide meaningful access, free of charge, to their programs and services for LEP persons through the provision of language services, pursuant to the prohibition against national origin discrimination contained in Title VI and the Safe Streets Act.

The Civil Rights Division's Federal Coordination and Compliance Section investigated this matter as part of its Courts Language Access Initiative. This multi-pronged initiative focuses on enforcement, technical assistance, outreach, resource identification, and policy efforts to ensure meaningful access to courts receiving federal financial assistance.

For more information about Title VI and the Safe Streets Act, or to obtain copies of the Assistant Attorney General's letter, visit www.lep.gov.

"Language services expenses should be treated as a basic and essential operating expense, not as an ancillary cost."

- Assistant Attorney General Thomas Perez

JUSTICE SPEAKS 2010 NEW YORK SURVEY: Courthouse Accessibility for LEP Individuals

In April 2010, *Justice Speaks* launched a language access survey in order to assess the implementation of the 2006 Action Plan and Rule 217 as it applies specifically to Clerk's Offices in courthouses around New York City. The goal of the survey was to monitor whether courthouses are readily providing language services to LEP litigants outside of the courtroom and to assess what barriers still remain for LEP individuals striving to access justice through the court system.

The survey combined questionnaires as well as physical site observations. The surveyors interviewed Clerks' Office supervisors, frontline staff of the Clerks' Offices and Help Centers, and interpreter coordinators and supervisors from Clerks' Offices and Help Centers in Housing, Civil, Small Claims, Family, and Surrogate courts. A total of 27 surveys at 22 courthouses were conducted in all five boroughs. Surveys were conducted via phone interview and/or in-person interview and complemented by an in-person physical observation of each court site. All of the surveys were conducted within a two-week period from April 12-23, 2010.

Since the pool of survey respondents varied depending on the office, the respondents' knowledge and experience dealing directly with LEP individuals varied from survey to survey. Additionally, a very small number (two) of court staff approached for the survey were unwilling to answer the questions. Although surveyors explained that the questions pertained only to communications outside the courtroom, in a few instances respondents may have provided information regarding communications inside the courtroom. These factors may be taken into consideration in reflecting on the survey results.

Key Findings:

The Office of Court Administration (OCA) has made strides in increasing access to court services for LEP New Yorkers. While many other states fail to guarantee interpreters in all courtroom proceedings, New York has a laudable policy to provide interpreters in civil and criminal contexts. This policy serves as a model around the country.

The survey results, however, demonstrate that there are still improvements to be made to ensure that OCA routinely provides language services outside of the courtroom when LEP litigants seek services. The results, including the common use of family members or friends to interpret, a practice of asking LEP individuals to return on a later date to receive interpreter services, a lack of translated materials in languages besides Spanish, and lack of signage in many courthouses to notify LEP individuals of OCA language and other services, show a need for training and knowledge about LEP issues from frontline staff and supervisors.

The following arenas call for review and improvement in delivery of language access services:

- Improper use of other parties—52% of respondents said they asked LEP litigants to return with someone who can interpret for them; only 50% of respondents said they offer an interpreter if LEP litigant arrives with a friend or family member who is willing to interpret.
- Lack of knowledge and training—85% of respondents were unaware of OCA Rule 217 (Access to Court Interpreter Services for LEP Persons); 77% of respondents were never trained on serving LEP or deaf litigants.
- Lack of courthouse readiness—42% of respondents ask LEP individuals to return at a later date when they can schedule an interpreter; 27% of offices did not have signage or notices about LEP services.
- Lack of translated materials—Spanish language materials were common; however, only 38% of the Clerk's offices and Help Centers had materials available in languages other than Spanish and English; none of the Clerks' Offices of the Surrogate's Courts in any of the five boroughs had any translated materials.

Recommendations:

The survey uncovered a mix of positive and concerning findings. Given this wide range of knowledge and practices observed regarding NYC court personnel response to LEP individuals, recommendations aim to bring uniform compliance and universal access to LEP litigants as mandated in the OCA's 2006 Action Plan and 2007 Rule 217. The following four key recommendations reflect urgent needs for ensuring access to justice for LEP individuals in NY courts:

- Training
- Developing protocols to implement OCA Rule 217
- Making easily available visual materials
- Developing and distributing more translated materials

(Justice Speaks is an initiative comprised of attorneys, advocates, and interpreters aimed at ensuring language access in the justice system. It believes in the right of everyone in the United States to access justice. It focuses on enhancing language access within the justice system through community outreach, education, policy reform and advocacy. Based and working actively in New York State, the Initiative strives to have a national impact.)

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"O KA OLELO KE OLA" - LANGUAGE IS LIFE



Office of Language Access
830 Punchbowl Street, #322
Honolulu, Hawai'i 96813
Phone: (808) 586-8730
Fax: (808) 586-8733
Email: dlir.ola@hawaii.gov

Web: www.hawaii.gov/labor/ola

News Tidbits

TOP 3 USEFUL FOREIGN LANGUAGES FOR BUSINESS

By Susanna Kim, September 1, 2011 (ABC News)

What are the top three most useful languages for business after English? Surprisingly, Spanish didn't make the cut despite being the official language of 20 countries and spoken by over 329 million people, according to Bloomberg Rankings. Not surprisingly, Mandarin Chinese is the most useful language for business after English, spoken by 845 million people in the world's second largest economy, China. French (no. 2) and Arabic (no. 3) follow, with Spanish ranking fourth. Russian, Portuguese, Japanese, German, Italian, Korean, and Turkish followed. French is spoken by 68 million people worldwide and the official language of 27 nations. Arabic, which is spoken by 221 million people, is the official language in 23 nations, according to Bloomberg.

To create the list, Bloomberg Rankings identified the 25 languages with the greatest number of native speakers, then narrowed the list to the 11 official languages of G20 countries, excluding those that designated English. Bloomberg notes their list differs from the top foreign languages studied in U.S. colleges in 2009 from the *Modern Language Association*, published in December 2010. Spanish topped that list with 864,986 enrollments, dwarfing French which followed next with 216,419 (no. 2), German (no. 3), American Sign Language (no. 4), Italian (no. 5), Japanese (no. 6), Chinese (no. 7), Arabic (no. 8), Latin (no. 9) and Russian (no. 10).

(OLA Note: The data on French being spoken by only 68 million worldwide could be wrong. France's population is already that much; if you add Belgium, Switzerland, Canada and francophone Africa, it could reach probably between 200 to 300 million speakers.)

IS IT SAFE TO LET FAMILY MEMBERS INTERPRET?

(Intersect, October 6, 2011)

There was a recent, lively discussion on a healthcare interpreting listserv about whether family members should interpret for hard-to-find languages if no qualified interpreter is available.

A recent published study from Australia is therefore timely. The article starts by asking: why is Australia's free telephone interpreter service underused? (New Zealand's telephone service, which uses Language Line to hook up to Australia's telephone interpreter line, is also underused.)

The answer to that question is that providers are using untrained interpreters instead, mostly family members. There appear to be at least two reasons for this choice by providers: convenience and mixed feelings about telephone interpreters.

As the authors write: "The use of trained interpreters is woefully inadequate and needs to be vigorously promoted."

Here is the article reference:

Gray B, Hilder J, Donaldson H. Why do we not use trained interpreters for all patients with limited English proficiency? Is there a place for using family members? *Australian Journal of Primary Health*. 2011;17(3):240-9.

Dates to Remember

October 12, 2011—Language Access Advisory Council Meeting, 9:30 to 11:00 a.m., DLIR Conference Room 320, at 830 Punchbowl Street, Honolulu.

November 9, 2011—Language Access Advisory Council Meeting, 9:30 to 11:00 a.m., DLIR Conference Room 320, at 830 Punchbowl Street, Honolulu.

November 23, 2011—State Language Access Coordinators' meeting, 10:00 to 12:00 noon, DLIR Conference Room 310, at 830 Punchbowl Street, Honolulu. Presentation on Hawaii's LEP Population by Dr. Eugene Tian of DBEDT.

December 14, 2011—Language Access Advisory Council Meeting, 9:30 to 11:00 a.m., DLIR Conference Room 320, at 830 Punchbowl Street, Honolulu.