



OFFICE OF LANGUAGE ACCESS

**Annual Report to the Governor and State Legislature
2014**

**Office of Language Access
Department of Health
830 Punchbowl Street, Suite 322
Honolulu, HI 96813**

TABLE OF CONTENTS

	Page
I. Executive Summary	1
II. Introduction	2
III. The Office of Language Access	2
IV. The Language Access Advisory Council	2
V. Goals and Objectives	3
VI. Activities and Accomplishments	4
A. Public Awareness, Education and Outreach	4
B. Technical Assistance and Training	5
C. Compliance	5
D. Language Services Development	6
E. Complaints Resolution	7
F. Federal Reviews	7
G. Legislative Initiatives	7
H. Language Access Resource Center and Multilingual Website	7
I. Collaborations	7
J. Staff Development	8
VII. Issues and Challenges	8
VIII. Recommendations	9

I. EXECUTIVE SUMMARY

This report covers the activities and accomplishments of the Office of Language Access (OLA) for the period December 2013 to November 2014.

The OLA is in its eighth year of operations. It continues to operate with only three staff (including the executive director) – half of what it used to be. As a result, it has been able to perform only some of its mandated functions during the year. Act 217, establishing the Language Access Resource Center and Multilingual Website Project, was passed and signed into law in July 2013, but its three staff positions were not established and the funds were not released.

Due to its continued lack of staffing, the OLA has not been able to execute its oversight and coordination functions to its fullest. Instead, it focused on activities that promote public awareness of and outreach to the community on language access, as well as limited technical assistance to state and state-funded agencies.

The OLA held several events to promote public awareness of and outreach to the community on language access. It sponsored the Seventh Annual Hawai'i Conference on Language Access on August 6-7, 2013, published its quarterly electronic newsletter, and did a public information campaign over ethnic radio.

The OLA also provided limited technical assistance to state and state-funded agencies by meeting with state language access coordinators; making presentations; meeting with agencies; responding to legal questions; and providing updates on Limited English Proficient demographics. At the same time, it held a number of workshops: on medical terminology, on cultural competency, and on federal language access law compliance. It also conducted the 40-hour Bridging the Gap training for medical interpreters. We are also sponsoring a training for court interpreters at the start of December 2014.

In terms of compliance, the OLA was not able to conduct annual monitoring visits due to lack of staff. The statutory deadline for the submission of revised language access plans by agencies not receiving federal funds was July 1, 2014, but none out of the six agencies had submitted their plans by the date of this report. In addition, only four agencies have complied with the OLA requirement that the agency submit to the OLA a semi-annual report detailing the number and nature of services provided to limited English proficient (LEP) persons.

The OLA has initiated the establishment of a public roster of interpreters and translators, which will take effect in January 2015, and has started work on a multilingual website that is expected to be up and running by July 2015.

The OLA continued to receive calls during the year; most were requests for interpreters or translators, as well as requests for information. Other calls were informal complaints about lack of interpreters, translation of documents, etc.

The OLA submitted a couple of bills during the 2014 legislature but while some reached the conference committee, none passed because no appropriations for the proposals were made.

The OLA engaged in collaborative projects with various agencies during the year. At the same time, the OLA staff continued to find ways to get involved in professional development activities to acquire more skills and knowledge in the area of language access.

II. INTRODUCTION

The Office of Language Access (OLA) was established by law in 2007 as an administratively attached agency within the Department of Labor and Industrial Relations (DLIR). In 2012, Act 201 was passed which transferred the OLA to the Department of Health, effective July 1, 2013,

A. Report Requirement

Section 321C-6, Hawaii Revised Statutes, requires the OLA to submit an annual report to the Governor and Legislature twenty (20) days prior to the opening of the legislative session. The report shall detail “compliance, complaints and resolutions, recommendations to enhance compliance, and statutory or administrative changes to further the purposes” of the language access law.

B. Organization of the Report

This report covers the activities and accomplishments of the OLA for the period December 2013 to November 2014.

III. THE OFFICE OF LANGUAGE ACCESS

A. Purpose and Function

The OLA is mandated to provide oversight, central coordination, and technical assistance to state agencies and covered entities* in their implementation of language access requirements and in the provision of language services under chapter 321C, HRS. With the passage of Act 217, Session Laws of Hawaii (SLH) 2013, OLA was given the additional function of operating a Language Access Resource Center and a Multilingual Website Pilot Project.

* Note: a covered entity is defined as “a person or organization receiving state financial assistance, including grants, purchase-of-service contracts, or any other arrangement by which the State provides or otherwise makes available assistance in the form of funds to the person or organization for the purpose of rendering services to the public.”

B. Budget and Staffing

The office currently has a staff of three (the executive director, secretary and senior legal analyst) out of the original six positions prior to the 2009 RIF. Act 217, SLH 2013, establishes the Language Access Resource Center and a multilingual website project within OLA and authorizes five positions. As of this writing, the funds have not yet been released to establish and fill any of the outstanding positions.

During the 2013 Legislative Session, the OLA’s budget remained at \$312,228 (\$179,016 in personnel services and \$133,212 in other expenses). The passage of Act 217, SLH 2013, provided the OLA with an additional \$250,000 for the Language Access Resource Center and Multilingual Website Pilot Project for two years. Funds for FY 2014 were released but the establishment of positions was delayed and, except for some funds that were encumbered to contract a third party to set up the Roster of Interpreters and Translators (\$25,000) and the Multilingual Website (\$50,000), the rest of the funds were not used. Funds for FY 2015 were not released due to budgetary constraints.

IV. THE LANGUAGE ACCESS ADVISORY COUNCIL

A. Membership

Dominic Inocelda and Gerald Ohta continued to serve as Advisory Council Chair and Vice Chair, respectively.

Dr. Tin Myaing Thein of Pacific Gateway was replaced by Terrina Wong, also from Pacific Gateway. The replacement for Namaka Rawlins (representing a Hawaiian language advocacy organization) has not been appointed. In addition, Edelene Uriarte, representing an LEP population (Micronesian community), resigned and, to date, nobody has been appointed as her replacement.

B. Function

The Council serves in an advisory capacity to the OLA's Executive Director by providing input on implementation and compliance; the quality of oral and written language services provided; the adequacy of a state agency's or covered entity's dissemination of information regarding language access and training of its employees likely to have contact with LEP persons; policies and procedures for language services; competency in working effectively with in-person and telephone interpreters; and understanding the dynamics of interpretation between clients, providers, and interpreters.

V. GOALS AND OBJECTIVES

The OLA's vision is "Language Access for All." Toward that end, the OLA's mission is to promote equal access to and full participation in government services, programs, and activities for LEP persons by providing oversight, coordination, and assistance to state and state-funded agencies. In seeking to fulfill its mission, in 2007, the OLA had established the following goals and strategies:

Goal 1 To promote public awareness and ensure that the LEP population is informed of and educated about their rights.

Strategies:

1. Establish and nurture working relationships with partners to develop awareness about language access.
2. Establish and hold a Language Access Month celebration in August of each year.
3. Conduct outreach to LEP communities.
4. Develop multilingual materials and website.
5. Undertake mass media campaigns.

Goal 2 To ensure that all state agencies and covered entities are in compliance with the requirements of the language access law.

Strategies:

1. Develop guidelines and provide training and technical assistance to state agencies and covered entities.
2. Establish a data collection and reporting system for state agencies.
3. Conduct a monitoring process and implement a compliance rating system for state agencies.

Goal 3 To assist in the development of an adequate pool of trained and competent language service providers.

Strategies:

1. Conduct a language access needs, resource, and cost analysis in the State of Hawai'i.
2. Develop a directory of language service providers in the State of Hawai'i.
3. Facilitate training programs for language service providers.
4. Develop statewide standards for interpretation and translation.

Goal 4 To develop OLA staff's expertise and resources.

Strategies:

1. Seek alternative sources of additional funding through federal grants and moneys to further the OLA's mission.
2. Provide staff training and development.
3. Develop a resource library.
4. Interface and network with language access practitioners nationwide.

Goal 5 To ensure the timely resolution of complaints about language access.

Strategies:

1. Develop tools, processes, and procedures for handling complaints.
2. Provide education and training to agencies on the complaints process.
3. Conduct outreach to LEP communities on the complaints process.
4. Develop responsive methods of resolving conflicts.

Goal 6 To provide statewide leadership in the area of language access.

- Strategies:**
1. Provide models and educate agencies about best practices.
 2. Serve as a clearinghouse for information and resources on language access.
 3. Cultivate, maintain and strengthen alliances, partnerships and collaborations.
 4. Propose and support needed legislation.
 5. Provide leadership in technological solutions to language access problems.

The OLA's work on achieving these goals and objectives is discussed in the following section.

VI. ACTIVITIES AND ACCOMPLISHMENTS

A. Public Awareness, Education and Outreach

The OLA is aware of the need for visibility and community education on language access. During the past year, it continued to participate in community meetings, held a statewide language access conference, published four issues of its quarterly newsletter, and submitted articles for publication in local newspapers to provide information about language access and the office's activities to the public. Further description of these activities are provided below:

- *Community Meetings.* The OLA Executive Director and staff, whenever possible, continued to attend and provide updates on OLA activities and language access issues during the monthly meetings of the Interagency Council on Immigrant Services and meetings of community organizations such as the Filipino Coalition for Solidarity.
- *Language Access Conference.* On August 6-7, 2014, the OLA hosted the Seventh Annual Hawai'i Statewide Conference on Language Access at the Neal Blaisdell Center in Honolulu. The two-day event focused on the topic: 'Ike 'Āina: Language Access and Cultural Literacy. More than 250 individuals from Hawai'i, the mainland United States, and Canada attended. The keynote speakers were Justice Sabrina McKenna, Associate Justice of the Supreme Court of Hawaii (opening keynote); Dr. Evan Adams, Deputy Provincial Health Officer for Aboriginal Health, British Columbia; and Dr. Dennis Andrulis, Senior Research Scientist at the Texas Health Institute and Associate Professor at the University of Texas School of Public Health (closing keynote). Other speakers represented the following agencies: the Cross Cultural Health Care Program (Seattle, Washington), University of Hawaii at Hilo; University of Hawaii at Manoa (various departments); University of Hawaii-Leeward; Department of Human Services; Bank of Hawaii; Pacific Resources for Education and Learning; Department of Education; Damon Key Leong Kupchak and Hastert; Alston Hunt Floyd and Ing; University of Hawaii-Kapiolani; Pacific Gateway Center; Catholic Charities Hawaii; Susannah Wesley Community Center; and Network Enterprises, Inc.
- *Presentations.* The Executive Director made presentations at the following events: Honors Program class on Cultural Competency for the Health Professions at the Shidler College of Business, University of Hawaii at Manoa on December 3, 2013; DOH Healthy Foundations program on 'Olelo TV on January 6, 2014, with Council Chair Dominic Inocelda; and at the Bridging the Gap Training for Health Care Interpreters at the Hawaii State Capitol on November 14, 2014. In addition, OLA legal analyst Becky Gardner gave a presentation on language access at the UH Law School forum on immigrants on June 5, 2014.
- *Newsletter.* The office continued to publish and distribute its electronic quarterly newsletter (The OLA Quarterly), which came out with its twenty-fourth issue in January 2014, its twenty-fifth issue in April 2014, its twenty-sixth issue in July 2014, and its twenty-seventh issue in October 2014.
- *Other Publications:* The OLA was also featured in the July 26, 2014 issue of the *Filipino Chronicle*.

- *Radio PSAs:* Informational PSAs about language access and the office were aired over ethnic radio stations in various languages during the month of August 2014 as part of the Language Access Month activities.

B. Technical Assistance and Training

The OLA was able to provide limited technical assistance to state and state-funded agencies to assist them in implementing their language access plans, including the following:

- The *quarterly meetings* with state language access coordinators to discuss plan implementation issues. During the past year, these meetings resulted in a more simplified LEP data collection form and LEP reporting tool. Discussions on the issue of hiring bilingual staff for public contact positions also led to a change in the Department of Human Resource Development form to include language proficiency. Finally, discussions also resulted in the decision to establish a statewide contract for translation services with the Department of Human Services as lead and with the State Procurement Office in support.
- *Trainings.* The OLA was able to hold the following trainings during this year: medical terminology training by Prof. Sally Pestana in January-February 2014 in Honolulu; the Bridging the Gap training for medical interpreters by Mary Santa Maria in Maui in March-April 2014; the Cultural Competency workshop by Ira SenGupta on September 8, 2014; the Federal Language Access Law Compliance workshop by Bruce Adelson on October 22-23, 2014; and the Bridging the Gap training for medical interpreters by Mary Santa Maria on November 7-8, 14, and 21-22, 2014 in Honolulu. Our office is also busy preparing for a training for court interpreters in early December; as well as several additional trainings in 2015.
- *Consultations and Technical Assistance.* The OLA provided technical assistance to the Department of Labor and Industrial Relations on its revised language access plan, and fielded questions on language access plans and LEP statistics from several state and state-funded agencies.

C. Compliance

1. Monitoring

Due to the vacancy of our unfunded Researcher positions, the OLA was unable to conduct monitoring visits to agencies during the year.

2. Submission of Revised Language Access Plans

State agencies are required under the law to review, revise, and submit their language access plans every two years. The language access plans of the six state agencies not receiving federal funds were due on July 1, 2014. As of this writing, not one of the six has submitted their revised language access plans. These are the Department of Taxation; the Department of Budget and Finance; the Department of Commerce and Consumer Affairs; the Department of Human Resource Development; the Hawaii State Senate; and the Hawaii House of Representatives.

Due to staffing problems, it has been difficult for the OLA to actively follow up with the delinquent departments.

3. Data Reporting

To assist the agencies in identifying their population and in tracking language access services, the OLA developed a reporting tool to be used by agencies in gathering data and submitting the same to the OLA on a semi-annual basis with the following reporting periods: July to December (due March 31), and January to June (due September 30).

As of this writing, only four out of 24 agencies have submitted reports to the OLA for FY2014. These are the Judiciary, the Department of Human Services, the Department of Public Safety, and the Department of Accounting and General Services. Many departments with a

high frequency of public contact with the LEP population, such as the Department of Health and the Department of Education, have failed to submit any reports for this period. As a result, the OLA is unable to come up with a complete and meaningful statistical report on the total number of LEP persons served and the language access services provided by the state agencies during the year.

Nevertheless, the following tables show the four agencies who submitted reports on the number of LEP encounters during FY2014.

Four out of Twenty-Six Agencies Providing Data Reports	# of LEP encounters reported*	% of LEP encounters reported out of all agencies having reported
Human Services	27,815	76.0%
Judiciary	8,677	23.7%
Public Safety	67	0.2%
Accounting and General Services	26	0.1%
Total:	36,585	100.0%

*Excludes American Sign Languages encounters

The table below shows the top 13 languages for which language services were provided during the same fiscal year (July 1, 2013 to-June 30, 2014) by the same four reporting agencies:

Top 13 LEP Languages	# of LEP Encounters Reported	% of LEP encounters reported
Samoan	13,063	35.7%
Chuukese	8,680	23.7%
Korean	2,078	5.7%
Marshallese	2,062	5.6%
Ilokano	1,745	4.8%
Cantonese	1,727	4.7%
Vietnamese	1,337	3.7%
Spanish	900	2.5%
Mandarin	810	2.2%
Tagalog	723	2.0%
Japanese	478	1.3%
Tongan	303	0.8%
Pohnpeian	156	0.4%

D. Language Services Development

The office continues to be involved with the Hawaii Language Roadmap Initiative which aims at creating a multilingual workforce for Hawai'i. The Executive Director and the Council Vice-Chair are members of the advisory board of the Initiative. During the year, the OLA met with Rep. Mark Nakashima to discuss and provide information on a legislative proposal to support training and testing and additional remuneration for state bilingual staff providing services as interpreters and translators. The bill was introduced but withdrawn due to some concerns from stakeholders.

E. Complaints Resolution

During this reporting year, the OLA continued to receive several informal complaints. The informal complaints related to several situations such as notices and documents provided only in English, despite agency knowledge and client request for language assistance; lack of timely provision of oral interpreter service; lack of translations on websites; lack of understanding and administrative buy-in to comply with language access laws; etc. The OLA also continued to receive calls from LEP individuals and agencies at about the same volume as last year. As before, most of the calls were inquiries or requests for interpreters (including sign language) or translators. Others were requests for information. There were a number of calls from LEP clients who were directed by a state or state-funded agency to the OLA for their interpreter needs. Obviously, these front line staffers are not aware of their language access plans and what the process is for providing interpreters or translations of vital documents to their clients. Calls to the OLA from state agencies were referred to their respective language access coordinators. Individuals and nonprofit agencies requesting interpreters or translators were referred to the OLA's Directory of Language Services in Hawai'i. Calls for information were either answered by the OLA or directed to the most appropriate office or agency.

F. Federal Reviews

During the year, the US Department of Health and Human Services Region IX Office for Civil Rights closed its resolution agreement with the Hawai'i Department of Human Services. Meanwhile, a lawsuit was filed against the Hawai'i Department of Transportation for federal language access law violation, with the US Department of Justice filing an amicus brief in support of the lawsuit. In addition, the Hawai'i Department of Labor and Industrial Relations continues to be under review by the Civil Rights Center of the US Department of Labor.

G. Legislative Initiatives

The OLA supported five bills during the last legislative session: HB1740 (request for additional funding and positions for LARC and multilingual website); HB1748 (request for additional OLA staff); HB1749 (request for financial support for healthcare interpreter training and production of medical glossaries in various languages); HB1972 (supports training/testing and additional remuneration for state bilingual staff providing services as interpreters); and HB1616 (updates Hawai'i's health planning objectives to include a commitment to eliminating health disparities by addressing the social determinants of health which include language access).

HB1972 was deferred; HB1748 and HB1749 were passed by the House but failed in the Senate; HB1740 passed both House and Senate but did not make it out of conference committee; and HB1616 was enacted.

H. The Language Access Resource Center (LARC) and the Multilingual Website Project

The LARC and the Multilingual Website Project were established by law in 2012 and funded for two years. Funds were released during FY2014; however, due to the delay in establishing three staff positions on September 12, 2014, none have been filled. The OLA used part of the funds to contract with a vendor, Connecting the Dots LLC, to establish a public roster of interpreters and translators – one of the principal responsibilities of the LARC - which is expected to be effective January 2015, and to establish a multilingual website which is expected to be up and running by July 2015. The release of funds for FY2015, however, has been put on hold until January 2015.

I. Collaborations

The OLA partnered with the following agencies in holding the 7th Annual Hawai'i Conference on Language Access: the City and County of Honolulu; University of Hawaii Richardson School of Law; Language Services Hawaii; Hawaii Immigrant Justice Center at the Legal Aid Society of Hawaii; Pacific Gateway Center; Healthcare Financial Management Association; Hawaii Interpreter Action Network; Susannah Wesley Community Center; UH Center for Interpretation and Translation Studies; Shine Hawaii Productions; Sage PLUS; Relay Hawaii; AIM; Senior Medicare Patrol Hawaii; Legacy of Life Hawaii; Catholic Charities Hawaii; Ho'omaka Hou Learning Center; HEP Free Hawaii; Hawaii Health Connector; Parents and Children Together; Isle Interpret; Health Care Interpreter Network; and Certification Commission for Healthcare Interpreters. In addition, the OLA participated in the White

House Initiative for Asian Americans and Pacific Islanders (AAPI) Community Roundtable Discussion in April 2014. OLA

likewise assisted the Office of Community Services in developing and translating the Handbook for New Immigrants to Hawaii. OLA also continued to be involved in the Hawaii Language Roadmap Initiative led by the University of Hawaii at Manoa, particularly in the area of interpreter and translator development. The OLA is also a member of the Language Access Advocacy Council of the Department of Human Services.

J. Staff Development

The Executive Director and/or staff attended the following conferences, trainings, and meetings during the year: the ADAD meeting on January 30, 2014 on website accessibility for persons with disability; the medical terminology workshop in January-February 2014; Community Roundtable Discussion sponsored by the AAPI White House Initiative (Hawaii Regional Interagency Working Group) on April 8, 2014; workshop on strategic planning conducted by FACE on September 22, 2014; and workshops on the use of census data and federal grants.

VIII. ISSUES AND CHALLENGES

A. Public Awareness and Outreach

There continues to be a need to inform and educate state agencies and the public about the language access law and the importance of language access in Hawai'i. Also, based on discussions with community members and evidenced by the small number of complaints that the OLA receives, it would appear that many members of the community, particularly those who are Limited English Proficient, are either not aware of their rights or are reluctant to file complaints in cases where they are not provided language services. Consequently, there is a need for more outreach and education to the community.

B. Training

The need for further statewide training of front line and bilingual staff – on working with interpreters, the role of bilingual staff in interpretation, cultural competency, language competency, etc. – have been a consistent theme in meetings with agencies as well as at various conferences on language access. Given recent budgetary constraints within many state and state-funded agencies, such training is especially needed for their bilingual staff, who are relied upon more and more. Moreover, all agency staff should be trained on their respective language access plans. Furthermore, there is a need to continually train administrators and agency staff about the language access law and its requirements. As a practical matter, further training of language service providers – interpreters and translators – is needed to ensure quality and meaningful access to services, particularly in the health and medical arenas where there is a dearth of qualified interpreters and translators.

C. Compliance

Much remains to be done by state agencies to meet the compliance requirements of Hawai'i's language access law. Even the basic requirements of posting multilingual notices, the identification and translation of vital documents, the training of staff on their language access plans, the collection of data and identification of their LEP population, and the training of their bilingual staff are not being done. Several agencies, all falling within the Executive Branch, have not submitted their revised language access plans, nor have they implemented and evaluated their language access plans. The lack of staff to follow up with agencies and the absence of consequences for non-compliance make it difficult for the OLA to improve and address non-compliance issues.

D. Resources

The passage of the Language Access Law has created a demand for language services, but there remains a shortage of available and competent language service providers statewide. In addition, lack of funding continues to be a problem for state agencies. This is exacerbated by an economy that has not yet fully rebounded; reductions in staff and budgets that have not been fully restored; and an increased demand by the LEP public for government services.

Finally, the language service delivery system in Hawai‘i continues to be very limited, fragmented, and uncoordinated.

E. The Status of the OLA

The OLA moved to the DOH effective July 1, 2013. The OLA, however, remains physically located at the Keelikolani Building within DLIR offices owing to lack of space at the DOH. This arrangement is posing some logistical challenges, particularly as it relates to OLA’s technology and personnel needs. We hope that our continued work with the DOH administration will result in smooth and effective functioning of our office. We anticipate much improved operations when the OLA obtains additional staff pursuant to Act 217, SLH 2013. Nevertheless, although two of the OLA’s staff positions were restored in 2012, it is still three positions short of its original staffing. The continued lack of staff will continue to impact the effective performance of the OLA’s basic and statutory functions.

Although a welcome extension to our charge, the OLA has been given the additional function of establishing and administering a Language Access Resource Center and a Multilingual Website Pilot Project under Act 217, SLH 2013. While the Legislature provided some funds (less than half of the funds needed to run said Center and Website), the funds have not been released and staff have not been hired. Hence, implementation of the new programs is in quandary – yet both projects require the OLA’s administration to get off the ground and ready for staffing.

The OLA leadership is also subject to gubernatorial appointment every four years, thus continuity in programs and activities could be affected by changes in state leadership. This can be addressed by having the executive director selected by a Board. The current council is advisory, but it could be transformed into a Board that has the power to hire and fire the executive director.

IX. RECOMMENDATIONS

To address the issues mentioned above, the following are being proposed:

1. Provide additional staffing support to the OLA to enable it to perform its compliance functions.
2. Provide staff and additional funding for the Language Access Resource Center and the Multilingual Website Pilot Project.
3. Provide the OLA with more office space to enable it to function and perform its mandated functions.
4. Support the provision of statewide training and technical assistance to state and state-funded agencies.
5. Strengthen the OLA’s educational and outreach activities.
6. Support the creation of a pool of qualified interpreters in the State through the training and certification of interpreters.
7. Amend the law to provide more enforcement power to the OLA.
8. Amend the law to convert the Language Access Advisory Council into a Board, with the authority to appoint the OLA executive director.