

OLA QUARTERLY

Official Newsletter of the
Office of Language Access, State of Hawai'i
"O ka 'ōlelo ke ola - Language is Life
Spring 2013 Edition



Volume 21, Spring 2013

Inside this Issue

HB266 CD1

**Bill Creating a Language Access Resource Center
& Multilingual Website Pilot Project
Advances to Governor for Signature**

Proposed Legislation on Language Access Resource Center & Multilingual Website Pilot Project Advances—HB266	1, 5
Now on Olelo: OLA's 5th Annual Conference on Language Access— Ka Unuhi: Translation	1, 6-7
Message from the Executive Director	2
Registration Now Open: 6th Annual Conference on Language Access: OLA PONO - Language Access in the Community Health Setting	2-4
News about Language Access Advisory Council	5
News from OLA—Report on Hawaii Language Summit	6
News from OLA - Community Interpreter	7
Untold Stories of Language Access	8-9
News from OLA—Report on Diversity Rx Confer-	10-11
News from All Over	11-13
News from OLA—Report from National Medical Interpretation Certification Forum	14
Dates to Remember	14

HB 266 CD1 unanimously passed Final Reading in both the State House and Senate on April 30, 2013.

The legislature appropriated \$250,000 for each of Fiscal Years 2013-2014 & 2014-2015 to enable OLA to staff and operate the Language Access Resource Center and Multi-lingual Website Project.

The purpose of the language access resource center is to:

(continued on page 5)



Chairs of the conference committee on HB266: Senator Suzanne Chun-Oakland (left), author of the bill, discussing final details with Rep. Della Au Belatti (left) at the final conference committee meeting.

Now on 'Ōlelo

**OLA's 5th Annual Conference on Language Access
Held on August 22-23, 2012**

**Ka Unuhi: Translation — Maximizing Quality & Minimizing Costs
Starting May 7 Airdates on p. 6-7**

**Webstream available 2 days after airdate at:
<http://www.olelo.org/olelonet>**





MESSAGE FROM THE EXECUTIVE DIRECTOR

Jun Colmenares

Welcome to the Spring 2013 issue of the OLA Newsletter.

The legislative season is over and we are happy to note that HB266 has been passed by the state legislature. It now goes to the governor for his signature. The bill establishes the Language Access Resource Center and a pilot multilingual website within the Office of Language Access. A big Mahalo to all who supported this very important legislation.

Last March 11-14, 2013, Language Access Advisory Council Chair Dominic Inocelda, Vice-chair Gerald Ohta, and myself attended the Diversity Rx conference in Oakland, California. The conference was a very productive one, not only because I learned a lot from the various sessions but also because it allowed me to meet, in-person, many of the leaders in the field of language access whom we've invited to speak at our conference on August 7-8, 2013. We were also able to meet with the Regional Manager of the Office for Civil Rights (Region IX) and his staff to discuss language access concerns and explore the possibility of doing a joint outreach project to the neighbor islands this coming September.

I just returned from Portland, Oregon where I was a panelist at the National Medical Interpreter Certification Forum on May 3, 2013. Mary Santa Maria, member of the language access advisory council, also attended the conference. I shared Hawaii's language access experience, the challenges we faced and the steps we are taking, and also commented on the National Board's proposal for a multi-tiered system of medical interpreter certification that addresses the situation faced by interpreters of languages of limited diffusion.

Congratulations to advisory council members Lito Asuncion (at-large), Mindy Emmons (Kauai) and Pat Harpstrite (Oahu) who were recently confirmed by the State Senate. We look forward to working with them in the coming years.

Aloha.



Coming up

6th Annual Hawaii Conference on
Language Access

**OLA PONO: Language Access in
the Community Health Setting**

August 7-8, 2013 Jefferson Hall, East-West Center

Registration Now Open!

See next 2 pages for registration form

Also, a fillable pdf form is available at::

<http://labor.hawaii.gov/ola/files/2013/05/OLA-2013-Conf-Reg-Form-Final.pdf>





6th Annual Hawai'i Conference on Language Access
Ola Pono - Language Access in the Community Health Setting
Wednesday and Thursday, August 7-8, 2013
8:00 a.m. to 4:30 p.m.

Hawai'i Imin International Conference Center, East-West Center, Honolulu

REGISTRATION FORM: Registration is free and limited to 250 attendees. This form must be completed and returned to the Office of Language Access by **registration deadline: July 17, 2013. Please print clearly.**

CONTACT INFORMATION

First Name:		Last Name:	
Organization:			
Mailing Address:	Street Address:		
	City:	State:	Zip:
Business Phone:		Fax:	
Email Address :			

CATEGORY (Check the appropriate boxes below)

<input type="radio"/>	State/County Agency	<input type="radio"/>	Private Sector/Business
<input type="radio"/>	Non-Profit/Community Organization	<input type="radio"/>	Interpreter/Translator
<input type="radio"/>	Student/Academic	<input type="radio"/>	Other (please specify) _____

PLEASE CHECK THE APPROPRIATE BOXES BELOW

<input type="radio"/>	I am attending both days	<input type="radio"/>	Attending only Wed. August 7, 2013
		<input type="radio"/>	Attending only Thursday August 8, 2013
LUNCH CHOICES			
<input type="checkbox"/>	Standard meal		
<input type="checkbox"/>	I prefer a vegetarian meal		

ADDITIONAL INFORMATION (Check the appropriate boxes below)

<input type="checkbox"/>	I would like to be an exhibitor	<input type="checkbox"/>	I would like to be a sponsor
<input type="checkbox"/>	Non-profit: Free	<input type="checkbox"/>	General \$200 & up <input type="checkbox"/> Snacks \$500
<input type="checkbox"/>	Private sector: \$100	<input type="checkbox"/>	Breakfast \$1000 <input type="checkbox"/> Lunch \$2000

CONTINUED on NEXT PAGE

ACCESSIBILITY ASSISTANCE: If you require special assistance or auxiliary aids and/or services to participate in this conference (i.e., sign interpreter; interpreter for language other than English; or wheelchair accessibility) please contact the Office of Language Access (OLA) at 586-8730 no later than July 1, 2013.

LIMITED PARKING PASSES FOR PURCHASE: There are 40 spaces available each day (on the lawn) on a first-come first-pay basis at \$6.00 per day. This fee MUST be paid in advance at the time you submit your completed registration form. Please make your check payable to OLA. Parking passes will be available for pick up approximately 10 days in advance, date and time to be announced.

<input type="radio"/>	Please reserve my parking at East-West Center for both days – a check for \$12.00 is attached.
<input type="radio"/>	Please reserve my parking at East-West Center for August 7, 2013 – a check for \$6.00 is attached.
<input type="radio"/>	Please reserve my parking at East-West Center for August 8, 2013 – a check for \$6.00 is attached.

NOTE: The closest Visitor Parking is available behind Kennedy Theatre, in the green Pay-to-Park stalls. Payment is made at an automated Pay Station. A pre-payment of \$16.00 allows all day parking and includes re-entry. Parking at the Lower Campus Parking Structure, Zone 20 is a \$5.00 flat rate per/day and parking at the Dole Street Parking Structure, Zone 22 (near the Hawaiian Studies building on Dole Street) is also \$5.00 flat rate per/day, both zones pending availability. There is a free shuttle service from Zone 22 that will drop you off in front of Jefferson Hall, East-West Center.

Please return completed form (with your parking pass check, if applicable) to:

The Office of Language Access
 830 Punchbowl Street, Suite 322,
 Honolulu, HI 96813

Phone: (808)586-8730, Fax: (808)586-8733

REGISTRATION DEADLINE: July 17, 2013



NEWS ABOUT THE LANGUAGE ACCESS ADVISORY COUNCIL

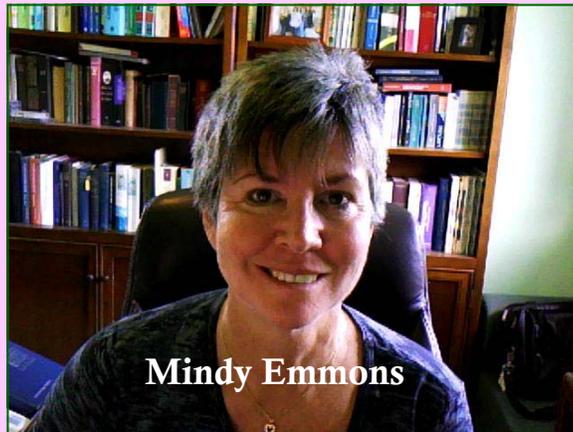
On April 10, 2013, the Senate confirmed the following individuals as members of the Language Access Advisory Council:

- **Lito Asuncion**, filling the At-Large position;
- **Mindy Emmons**, representing the Island of Kauai; and
- **Patricia Harpstrite** representing the Island of Oahu.

Congratulations, Lito, Mindy & Patricia!



Lito Asuncion



Mindy Emmons



Patricia Harpstrite

HB266 CD 1 (continued):

- (1) Maintain a publicly available roster of language interpreters and translators, listing their qualifications and credentials based upon guidelines established by the office of language access in consultation with the language access advisory council;
- (2) Train state and state-funded agencies on how to effectively obtain and utilize the services of language interpreters and translators;
- (3) Support the recruitment and retention of language *interpreters* and translators providing services to state and state-funded agencies;
- (4) Provide, coordinate, and publicize training opportunities to increase the number and availability of qualified interpreters and translators and further develop their language interpretation and translation skills; and
- (5) work toward identifying or creating a process to test and certify language interpreters and translators and promote use of the process to ensure the quality and accuracy of their services.”

“The establishment of multilingual websites for all state agencies may contribute greatly to the goal of providing limited English proficient individuals the ability to electronically access information about government services. This Act will enable the office of language access to administer a pilot project to test the utility and feasibility of this idea since the office of language access is the state agency that is the most directly involved in the promotion of language access.”

The bill is set to be effective July 1, 2013. Keep watch for the Governor’s signature on this bill.

News from OLA- Report from Hawaii Language Summit



HAWAII LANGUAGE ROADMAP INITIATIVE
 Bringing Employers and Educators Together to Shape Hawaii's Future Multilingual Workforce

Our Senior Legal Analyst, Rebecca Gardner, attended the Hawaii Language Summit on March 13, 2013. The Summit was sponsored and hosted by the University of Hawaii and co-sponsored by The Language Flagship as the first step in its "Language Roadmap Initiative." The Language Flagship is a national initiative of the National Security Education Program, and has been spearheading language roadmaps in Oregon, Texas, Ohio, Utah, and Rhode Island. The goal of the initiative is to shape the state's educational environment to prepare students to meet the challenges of and successfully participate in an ethnically and linguistically diverse global economy.

The Summit included approximately 50 participants from Hawaii's business, government and education sectors to discuss the language and cultural skills needed in their work force. Special guests included Governor Neil Abercrombie and former Senator Daniel Akaka, who addressed the group with inspiring messages.

Several working groups were divided between businesses and health and human service organizations, including government agencies and non-profits. These groups discussed the demand for various language skills; predictions for economic and demographic trends setting forth Hawaii's workforce needs; obstacles to meeting these language needs; the level of language competence needed by employers; resources needed and to be developed; key demands for languages in the business and government sectors; and priorities for change.

Working groups will continue to convene to design solutions to the issues discussed at the Summit. These ideas for creating a multilingual workforce – both long and short term, will be documented and become the basis for the Hawaii Language Roadmap, expected to be launched at the end of August 2013.

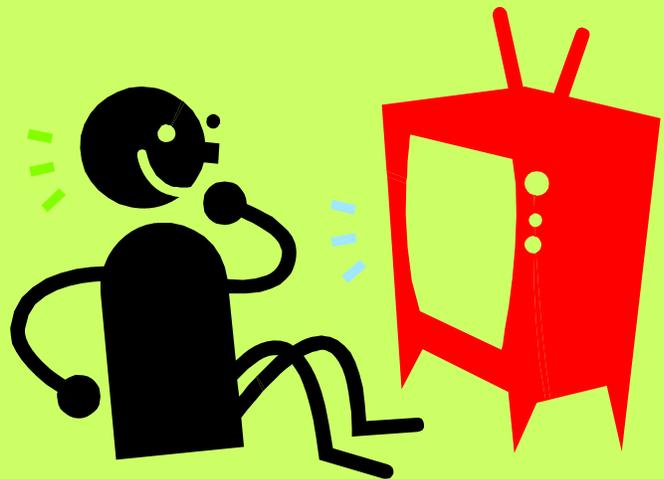
Air dates of 5th Annual Language Access Conference on 'Ōlelo

Language Access Conference: 5th Annual Part 1

5/7/2013	1:00 PM	FOCUS 49
5/10/2013	6:30 PM	VIEWS 54
5/12/2013	10:30 PM	FOCUS 49
5/13/2013	9:00 AM	FOCUS 49

Language Access Conference: 5th Annual Part 2

5/7/2013	2:30 PM	FOCUS 49
5/10/2013	8:00 PM	VIEWS 54
5/13/2013	10:30 AM	FOCUS 49
5/14/2013	8:00 AM	FOCUS 49



CONTINUED on NEXT PAGE

NEWS FROM OLA

**Airdates of 5th Annual Language Access Conference on Olelo
(continued)**

Language Access Conference: 5th Annual Part 3

5/16/2013	6:00 PM	VEWS 54
5/17/2013	8:00 AM	FOCUS 49
5/19/2013	10:00 PM	FOCUS 49
5/22/2013	1:00 PM	FOCUS 49

Language Access Conference: 5th Annual Part 4

5/16/2013	7:30 PM	VEWS 54
5/17/2013	9:30 AM	FOCUS 49
5/20/2013	2:30 PM	FOCUS 49
5/22/2013	2:30 PM	FOCUS 49

Language Access Conference: 5th Annual Part 5

5/21/2013	8:30 PM	VEWS 54
5/23/2013	8:00 AM	FOCUS 49
5/26/2013	10:30 PM	FOCUS 49
5/31/2013	2:30 PM	VEWS 54

Language Access Conference: 5th Annual Part 6

5/23/2013	9:30 AM	FOCUS 49
5/24/2013	8:00 PM	VEWS 54
5/29/2013	10:00 PM	FOCUS 49
5/31/2013	4:00 PM	VEWS 54

Language Access Conference: 5th Annual Part 7

5/30/2013	6:00 PM	VEWS 54
5/31/2013	8:00 AM	VEWS 54
6/1/2013	10:30 PM	VEWS 54
6/3/2013	2:30 PM	FOCUS 49

Language Access Conference: 5th Annual Part 8

	5/30/2013	7:30 PM	VEWS 54
	5/31/2013	10:00 PM	VEWS 54
	6/3/2013	12:00 PM	VEWS 54
	6/4/2013	3:00 PM	FOCUS 49



Also available on the Internet at www.olelo.org/olelonet 2-3 days after the first airdate.

Just search for the desired program. (Using "quote marks" helps narrow down the choices).

**The Community Interpreter Training
Three More Certificates
Issued to:**

**Tomoko Hotema
Younga Kim-Rahman
Khamtoun Porter**



These interpreters now hold Certificates of Completion for "The Community Interpreter Training" issued by Cross-Cultural Communications—the vendor that provided the OLA-sponsored training in March 2012.

Office of Language Access—UNTOLD STORIES Project

On November 7, 2012, the Office of Language Access (OLA) held a retreat involving members of OLA's Language Access Advisory Council, OLA staff, State Language Access Coordinators, and interested members of the public. In discussing OLA's mission and vision of the future, those present shared multiple anecdotal stories on the ability of Hawaii's Limited English Proficient (LEP) population's to access essential government and government-funded services as mandated by our state's language access laws.

Everyone agreed that few LEP persons actually report non-compliance with the language access laws because (1) they may be unaware of our language access laws and their rights; (2) linguistic barriers make reporting the violation a challenge; (3) they fear exposure and/or prosecution for themselves or their family members if they happen to be in the United States illegally; and/or (4) there are various national, cultural, and/or personal factors that influence an LEP person's decision to report a violation.

In the group's collective desire to share these anecdotal stories and provide a forum for those who are effectively voiceless in asserting their rights to language access, it decided to engage in an alternative means of collecting and sharing these stories in a way that would preserve the confidentiality of those aggrieved; but also ensure that the public and our state agencies and state-funded entities become more aware of the challenges and successes we've faced in ensuring language access for all.

We will be sharing a few of the stories we collected in each of our newsletters.

Note – these stories 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.P.Gardner@hawaii.gov; and dlir.ola@hawaii.gov. All efforts will be made to keep these stories confidential.

PUBLIC SAFETY – DOMESTIC VIOLENCE



The police went to a home in response to a domestic violence call from a neighbor. The woman (victim) did not speak or read English. An interpreter was not called to the scene. The police used the husband (perpetrator) as the interpreter.

The husband told the police that the victim was the one doing the hitting and that she was mentally ill; so the police arrested her. No interpreter was provided for the woman at the arrest. She was brought to the psychiatric ward at the hospital and further detained for a prolonged assessment.

Once the woman was provided an interpreter, she was able to explain her circumstances – that she was the victim of her husband's abuse. She was eventually released and given protections accorded to victims of domestic violence.

Relevant law: Hawaii Revised Statutes: 321C-3(b) - "*Subject to [the 4-factor reasonableness test], each state agency and covered entity shall provide competent, timely oral language services to limited English proficient persons who seek to access services, programs, or activities.*"

PROBLEMS:

- *The police immediately responding to the call did not make efforts to seek a professional, trained interpreter for the victim.*
- *The police used the husband (the abuser) to interpret for the victim; and based their actions on the representations made by the abuser. Using family members, particularly in this context, is strongly discouraged if not also dangerous.*
- *The victim was not provided with timely interpreter services—not until she was brought to the hospital.*

UNTOLD STORIES Project (continued)

SCHOOL LUNCH PROGRAM



A child of an LEP Chuukese mother attended a public school where he was eligible for its free/discounted lunch program. Two of the mother's other children later arrived in Hawaii from Chuuk, for whom she sought to obtain the same lunch service. The school gave her an application form to fill out.

The form was in English and asked for income information. She misunderstood a question which asked for her *bi-weekly* income. Instead, she reported her *bi-monthly* income. The school denied her the lunch program benefits because of the figure she reported,

The mother tried to correct the mistake, explaining that she had another child enrolled in the school who was already getting the free/discounted lunches. However, the school continued to deny her the benefit and required that she pay for the food.

A staff member at the school spotted the problem and requested a Chuukese interpreter to help the mother with the application. Eventually, the other two children were able to get their free meals.

The interpreter explained to the school that the application was too long, all in English, and if parents did not know how to fill it out, they would not get the services they needed. Services to these children were delayed based on the misunderstanding on the application.

The advocate reporting this story believes it was wrong for the school system to assume the parents understood the application process; and to assume that the parent was English proficient without providing an interpreter or assistance - especially if they knew English was not the mother's first language.

Relevant law: Hawaii Revised Statutes: - 321C-3(C) "*Subject to [the 4-factor reasonableness test], each state agency and covered entity shall provide written translations of vital documents to limited English proficient persons who seek to access services, programs, or activities, as follows:*

- (1) Written translations of vital documents for each eligible limited English proficient group that constitutes five per cent or one thousand, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered; or*
- (2) If there are fewer than fifty persons in a limited English proficient group that reaches the five per cent threshold in paragraph (1), written notice in the primary language to the limited English proficient language group of the right to receive competent oral interpretation of those written materials, free of cost."*

PROBLEMS:

- *It's not known if the school system attempted to determine whether the school lunch application form should be translated as a vital document. If there were at least 1000 Chuukese students eligible for the service, or if 5% of the population eligible for the service were Chuukese, then the application should have been translated into Chuukese.*
- *Even if the translation would have been cost-prohibitive, or otherwise unreasonable to provide, the school should have provided written notice - in Chuukese— that the application could be orally interpreted for the mother at no charge.*
- *The school assumed the mother was proficient in English; but instead should have erred on the side of presuming she was not—especially if they knew English was not her first language.*

NEWS FROM OLA

Reports From the Diversity RX 8th National Conference on Quality Health Care for Culturally Diverse Populations

March 11 – 14, 2013, Oakland Marriott City

by **Gerald Ohta**, Vice-Chair, Language Access Advisory Council; & Affirmative Action Officer—Dept. of Health

Health Equity has come into its own as an objective. The American Public Health Association has “*creating health equity*” as one of its overarching priorities

<http://www.apha.org/advocacy/priorities/> .

The DiversityRx conference theme, “**Achieving Equity in an Era of Innovation and Health System Transformation,**” echoed that and enjoins us to work toward that end. The over 800 attending provided us the energy and the contacts to improve Hawai'i's efforts. We expect to see some again at the August OLA conference as speakers and participants.

The conference looked to “meaningful access” . . . to people and papers about reaching people and providing culturally and linguistically appropriate communications. While the enhanced “Culturally and Linguistically Appropriate Services” (CLAS) standards were expected to be featured, they were not ready; they are now. See <https://www.thinkculturalhealth.hhs.gov/pdfs/NationalCLASStandardsFactSheet.pdf>

This was the 8th conference. The program can be seen here http://www.diversityrx.org/sites/default/files/21138_Diversity_PROOF.pdf . While the rich materials are not yet up. I encourage you to visit the prior 7th conference's topics and material until this year's is up <http://dx.confex.com/dx/10/webprogram/meeting.html>



Gerald Ohta, Dr. Nadine Gracia—Deputy Assistant Secretary for Minority Health—U.S. Dept. of Health and Human Services; & Jun Colmenares

by **Dominic Inocelda**, Chair, Language Access Advisory Council; & President, Inter-Agency Council for refugee and Immigrant Services

Jun Colemanare's invitation to attend the Diversity RX Conference in March 2013, was an educational treat and a social event.



Dominic Inocelda

Beginning with a pre-conference session that briefly presented knowledge and skills needed to transform English written material to plain and simple English to my final workshop on differing state initiatives on language access, I realized there was a wealth of knowledge and experience that we in Hawaii could tap into as we strive to improve access to health care for culturally different and limited or non-English speakers.

The conference was well attended with national as well as international presenters. I was able to obtain a wealth of material from a variety of profit and non-profit vendors who

NEWS FROM OLA—

Reports From the 8th Annual Diversity Rx Conference (Continued)

demonstrated the latest in language communication technology.

It was amazing to see how many people were interested in minority health with a strong commitment to explore differing means of making health care accessible and to improve health outcomes.

Jun, in his quiet way, kept an eye out for possible presenters for our Office of Language Access annual conferences. He was able to interest a number of people to consider coming to Hawaii to make presentations in August.

Overall, I am thankful for the Office of Language Access' invitation to attend the DiversityRX Conference.

In the future, if anyone is interested in attending a conference to see the latest development in the field of minority health, language access, and cultural competency, I would highly recommend the Diversity RX conference.

NEWS FROM ALL OVER: Health Care Interpreting in Oregon

The following information is from the Oregon Health Authority—Office of Equity & Inclusion

<http://www.oregon.gov/oha/oei/pages/intrprtr/overview.aspx>. A possible model for Hawaii's efforts in Health Care Interpretation:

Oregon Health Care Interpreter Program Overview

The Oregon Health Care Interpreter (HCI) Program is committed to improving access to quality health care interpretation for Limited English-speaking persons in Oregon. The HCI Program's goal is to assure that Limited English Proficient (LEP) persons are not excluded from health care services, and that they have access to accurate and complete information about their health care.

Oregon's Health Care Interpreter Program oversees the HCI Registry and the qualification and certification of health care interpreters as specified in Oregon Law (ORS 413.550 to 413.558, and OAR 333-002). The program also advocates for policies to ensure culturally and linguistically accessible services; supports HCI professional development, and staffs the [Oregon Health Care Interpreter Council](#).

[Overview of requirements](#) for registration, qualification, and certification as a Health Care Interpreter in Oregon.

Definition of health care interpreter in Oregon law

"Health care interpreter" means a person who is readily able to communicate with a person with limited English proficiency and to accurately translate the written or oral statements of the person with limited English proficiency into English, and who is readily able to translate the written or oral statements of other persons into the language of the person with limited English proficiency." - ORS 413.550

What is the Oregon Health Care Interpreter Registry?

The Health Care Interpreter Registry is a database of working health care interpreters in Oregon. The Registry includes three types of interpreters:

- Those who have met only the requirements for registration, [Qualified health care interpreters](#), and [Certified health care interpreters](#).

Interpreters may choose to enroll in the HCI Registry either before becoming qualified or certified, or as a part of their qualification or certification application.

NEWS FROM ALL OVER (Continued)

U.S. Dept. of Health & Human Services Reaffirms Commitment -Access to All Programs and Activities by LEP Persons Pledged

Press release on DHHS website:

<http://www.hhs.gov/open/execorders/13166/index.html>

The U.S. Department of Health and Human Services (HHS) is pleased to announce that it has **published its 2013 Language Access Plan (HHS LAP)** ensuring access to the Department's programs and activities to people with limited English proficiency (LEP).

America's population reflects diverse communications needs. Nearly 20 percent of the population (55 million people) speaks a language other than English at home, 63 percent of hospitals treat LEP patients daily or weekly and more than 15 languages are frequently encountered by at least 20 percent of hospitals.

In accordance with [Executive Order 13166](#) (PDF, 256kb), *Improving Access to Services for Persons with Limited English Proficiency*, the HHS LAP establishes the Department's policy and strategy for serving persons with LEP and its commitment to the language access principals which state that people with LEP should have meaningful access to federally funded programs, activities, services and benefits. The plan further serves as a blueprint for HHS Divisions to develop their own agency-specific language access plans.

The HHS LAP is organized into ten cross-cutting elements with specific actions steps for HHS agencies to include in their respective agency-specific plans. The ten elements include:

- ELEMENT 1: Assessment: Needs and Capacity
- ELEMENT 2: Oral Language Assistance Services
- ELEMENT 3: Written Translations
- ELEMENT 4: Policies and Procedures
- ELEMENT 5: Notification of the Availability of Language Assistance at no Cost
- ELEMENT 6: Staff Training
- ELEMENT 7: Assessment: Access and Quality
- ELEMENT 8: Stakeholder Consultation (New Element)
- ELEMENT 9: Digital Information (New Element)
- ELEMENT 10: Grant Assurance and Compliance (New Element)

Here is the [HHS Language Access Plan](#) (PDF).

And the Department of Justice [statement on Renewing a Commitment to Language Access](#) (PDF).

WHITE HOUSE BLOG— Initiative on Asian Americans and Pacific Islanders**"THE LANGUAGE OF JUSTICE"**

February 19, 2013



Post by **Deena Jang**— *Chief of the Federal Coordination and Compliance Section, Civil Rights Division at the U.S. Department of Justice.*

<http://www.whitehouse.gov/blog/2013/02/19/language-justice>

"It seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system, which denies them a meaningful opportunity to participate in the educational program – all earmarks of the discrimination banned by the regulations." – U.S. Supreme Court Justice Douglas for the majority, *Lau v. Nichols*, 414 U.S. 563 (1974)

Though it's been nearly 40 years since the *Lau* decision – a landmark ruling that expanded the rights of non-English speaking students in America, language access still remains a critical civil rights issue today for Asian Americans, Pacific Islanders, and other immigrant communities. In 2010, over 25 million individuals – about 9% of the U.S. population over age 5 – reported having limited English proficiency. And for over two-thirds of Asian Americans and nearly one-third of Native Hawaiians and Pacific Islanders, English is not spoken at home.

In an effort to address the persistent challenges facing limited English proficient (LEP) communities across the nation, the [Federal Coordination and Compliance Section \(FCS\)](#) in the Civil Rights Division of the U.S. Department of Justice (DOJ) has done remarkable work to improve language access in federal and federally-assisted programs and ac-

CONTINUED on NEXT PAGE

NEWS FROM ALL OVER (Continued)

CONTINUED from LAST PAGE **“THE LANGUAGE OF JUSTICE” - Deena Jang**

tivities. Under Title VI of the Civil Rights Act of 1964, it's illegal for any federally-assisted program to discriminate based on race, color, or national origin. These protections extend to individuals with limited English proficiency. These protections also apply to the federal government's own programs, under an Executive Order issued by President Clinton in 2000. The many and varied programs that the federal government runs – from disaster preparedness, response, and recovery to Medicare and Social Security, to naturalization and immigration proceedings, tax collection matters, and law enforcement action – must also ensure access for LEP individuals.

At the Department of Justice, FCS has jurisdiction to address allegations of discrimination along these lines. Along with a component of the [Office of Justice Programs – known as the Office for Civil Rights](#) – FCS ensures that recipients of DOJ grants – including the vast majority of police departments, state courts, and state and local correctional facilities and jails – comply with all applicable protections.

This means ensuring that law enforcement officials don't permit race, color, or national origin to influence or affect their investigative work – and that LEP individuals don't receive fewer protections than their English-speaking counterparts. It means working to guarantee that courts don't discriminate or allow legal proceedings to move forward without a qualified interpreter for LEP individuals. And in our nation's correctional system, it means lowering communication barriers between staff and LEP inmates, while prohibiting a broad range of discriminatory practices. After all, as Tom Perez, [Assistant Attorney General](#) for the Civil Rights Division, [recently](#) said: “[i]t is essential as a safety matter and as a civil rights matter for officials who administer a jail to ensure that employees can effectively communicate with prisoners who have limited English skills.”

In each of these areas, I am proud of the strong track record that the Justice Department has established – and continues to build upon – in the vital work of improving access for the LEP community in police departments, courthouses, and correctional facilities all across the country. I am confident that we will continue to raise awareness, while vigorously and consistently enforcing our civil rights laws whenever and wherever appropriate.

I'm particularly grateful for the leadership that Attorney General Holder has shown in translating this commitment into action. In 2010, the Attorney General [called for](#) the creation of a Departmental Language Access Working Group to develop, implement, and monitor the Department's LEP plan. This past March, we posted our [language access plan](#), and nearly 30 Department components – including the Civil Rights Division – have developed and are currently in the process of implementing [plans and procedures](#) to ensure our ability to communicate clearly and effectively with LEP persons. Perhaps most importantly, the Attorney General has also taken the bold step of calling upon all [federal agencies](#) to do the same, and has charged FCS with leading these efforts across federal agencies.

As Chief of FCS, I am proud to help lead this critical work for LEP communities in America. But helping the LEP community is not just my professional mission – it's also a personal one. From my experience volunteering and working with a variety of nonprofits that serve Asian and Pacific Islander immigrant communities, I understand the importance of our racial and ethnic diversity, and I will strive to foster even greater inclusion for everybody living in America.

OLA QUARTERLY

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

'O KA 'ŌLELO 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**

NEWS FROM OLA (Continued)

Report from the 7th National Medical Interpretation Certification Forum in Portland, Oregon on May 3, 2013.

OLA's Executive Director Jun Colmenares attended the 7th National Medical Interpretation Certification Forum in Portland, Oregon on May 3, 2013. The forum was sponsored by the International Medical Interpreter Association (IMIA) and the National Board of Certification for Medical Interpreters (NBCMI).

Director Colmenares was part of the panel on "The Future of Certification" along with Dr. David Cardona of the Oregon Health Authority, Dr. Eric Hardt of Boston University, Dr. Pierre Morin of Lutheran Community Services, and Kim Kirskey of Tulsa Community College.



He gave a presentation on Hawaii's Languages of Limited Diffusion which was well received. A positive outcome of Director Colmenares' attendance was a proposal to hold the next 8th National Forum in Hawaii in May 2014. Mary Santa Maria, member of the Hawaii Language Access Advisory Council, also attended the conference.

DATES TO REMEMBER

- March 1 **PAST DUE**—Deadline for submission of semi-annual LEP report covering the July-December 2012 period for all state agencies.
- May 8 Language Access Advisory Council Meeting, 9:30-11:00 a.m., DLIR Director's Conference Rm 320, 830 Punchbowl St. Honolulu, HI 96813
- May 29 State Language Access Coordinators Meeting, 10:00-12:00 noon, DLIR Director's Conference Rm 320, 830 Punchbowl St. Honolulu, HI 96813
- June 5 Language Access Advisory Council Meeting, 9:30-11:00 a.m., DLIR Director's Conference Rm 320, 830 Punchbowl St. Honolulu, HI 96813
- June 26 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 Deadline for submission of revised language access plans for state agencies receiving federal funds.
- July 10 Language Access Advisory Council Meeting, 9:30-11:00 a.m., DLIR Director's Conference Rm 320, 830 Punchbowl St. Honolulu, HI 96813
- August Language Access Month
- August 7-8 6th Annual Conference on Language Access East-West Center, University of Hawaii at Manoa, sponsored by the Office of Language Access