



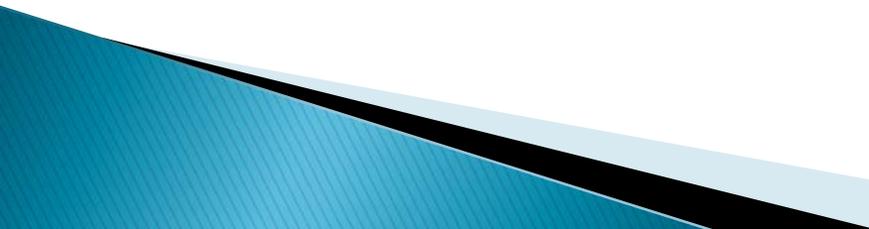
Hawai'i's Language Access Law and the Office of Language Access

Serafin Colmenares Jr.
KūkāKūkā: Language Access Forums
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Outline

- I. Hawaii's LEP Profile
 - II. Hawaii's Language Access Law
 - III. The Office of Language Access
 - IV. Compliance
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I. Hawaii's LEP Profile

- ▶ Out of Hawaii's total population of 1,361,628, more than 24% or 329,827 speak a language other than English at home.
 - ▶ Out of those who speak a language other than English at home, 151,187 or 46% are LEP.
 - ▶ Out of the total LEP population, 125,602 or 83% live on Oahu.
 - ▶ Out of the total LEP population, 80% are Asian language speakers while more than 13% are Native Hawaiian and Pacific Island language speakers.
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Age

Age Group	# LEP
19 years old and below	14,245
20 to 39 years old	35,239
40 to 59 years old	50,056
60 to 79 years old	39,207 (48% are Ilokano and Tagalog; 16% Japanese; and 14% Chinese)
80 years old and above	12,440 (38% are Japanese; 38% are Ilokano and Tagalog; 11% Chinese)
Total LEP	151,187

Education

Less than high school	51,319	34.0%
High school diploma	46,862	31.0%
Not beyond high school	98,181	65.0%
No college degree (Associate or Bachelor's)	122,099	81.0%

Income and Poverty Level

- ▶ 75% earn less than \$35,000 annually
- ▶ 61% earn less than \$25,000 annually
- ▶ 43% earn less than \$15,000 annually
- ▶ 32% earn less than \$10,000 annually

% of Poverty Level	# LEP
<= 100 %	21,056
> 100 and <= 150 %	13,422
> 150 and <= 200 %	14,835
> 200 %	99,395

Top LEP Languages

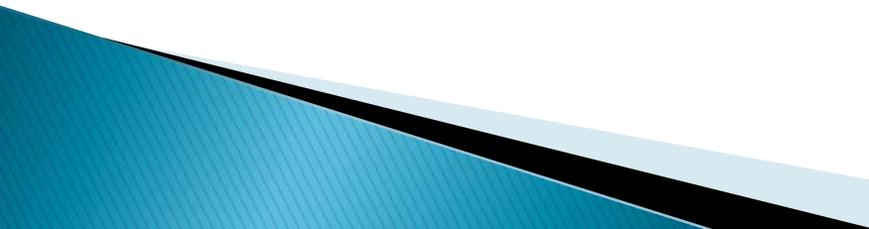
(1,000 or more speakers)

1. Ilokano
 2. Tagalog
 3. Japanese
 4. Chinese (Cantonese and Mandarin)
 5. Korean
 6. Vietnamese
 7. Spanish
 8. Hawaiian
 9. Samoan
 10. Marshallese
 11. Chuukese
 12. Tongan
 13. Bisaya (Cebuano)
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**Top Encountered Languages: July – December 2011
(5 Agencies: Judiciary, DHS, DLIR, Atty. Gen. & PLS)**

Languages	# Encounters	%
Korean	1,223	21.4
Chuukese	1,104	19.3
Cantonese	672	11.7
Marshallese	579	10.1
Ilokano	562	9.8
Spanish	397	6.9
Mandarin	202	3.5
Tagalog	189	3.3
Vietnamese	150	2.6
Japanese	110	1.9

II. Hawaii's Language Access Law

- ▶ Passed in 2006; amended in 2008, 2009, 2012 and 2013
 - ▶ Purpose is to affirmatively address, on account of national origin, the language needs of LEP persons to ensure equal access to state services, programs and activities
 - ▶ Applies to all state agencies (executive, legislative and judicial branches) and covered entities (receive state funding and provide services to the public – counties, non-profits)
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Law requires agencies to...

- ▶ Assess the need for providing language services and take reasonable steps to ensure meaningful access to state services, programs and activities
 - ▶ Provide oral language services in a timely and competent manner
 - ▶ Provide written translations of vital documents (5% rule)
 - ▶ Establish a language access plan
 - ▶ Designate a language access coordinator
 - ▶ Hire bilingual personnel for existing, budgeted, vacant public contact positions
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Four Factor Test

- ▶ Number or proportion of LEP persons served or encountered in the eligible service population
- ▶ Frequency of contact with services, programs or activities
- ▶ Nature and importance of services, programs or activities
- ▶ Resources available and the costs

Note: Agencies must consider the totality of circumstances; no one factor is determinative.

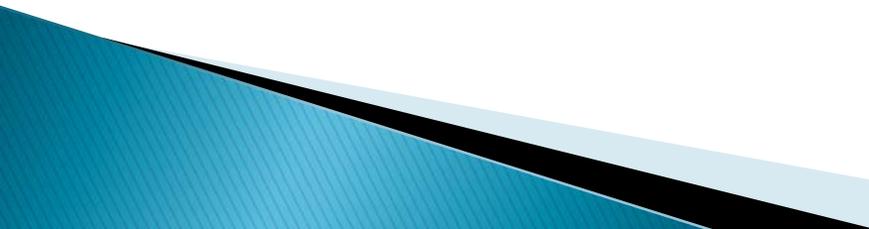


Law established OLA

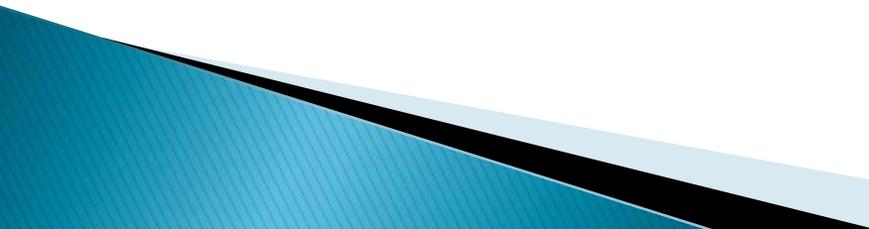
- ▶ Established in 2007 as an administratively attached agency under the DLIR
 - ▶ Advised by a 17-member Language Access Advisory Council
 - ▶ Moved to DOH in July 2013
 - ▶ Act 217 (2013) established the Language Access Resource Center within OLA
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III. The Office of Language Access

Functions:

- ▶ Provide oversight, central coordination and technical assistance to state agencies and covered entities in their implementation of the requirements of Hawaii's language access law
 - ▶ review and monitor state agencies for compliance
 - ▶ receive, investigate and resolve complaints on language access through informal methods
 - ▶ operate a language access resource center and a multilingual website.
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OLA's Vision, Mission and Goals

- ▶ Vision: Language Access for All
 - ▶ Mission: To promote equal access to and full participation in government services, programs and activities for persons with limited English proficiency through oversight, coordination and assistance to state and state-funded agencies.
 - ▶ Goals:
 1. Promote public awareness and ensure that the LEP population is informed of and educated about their rights.
 2. Ensure that all state agencies and covered entities are in compliance with language access requirements.
 3. Assist in the development of an adequate pool of trained and competent language access providers.
 4. Develop OLA staff expertise and resources.
 5. Ensure the timely resolution of complaints about language access.
 6. Provide statewide leadership in the area of language access.
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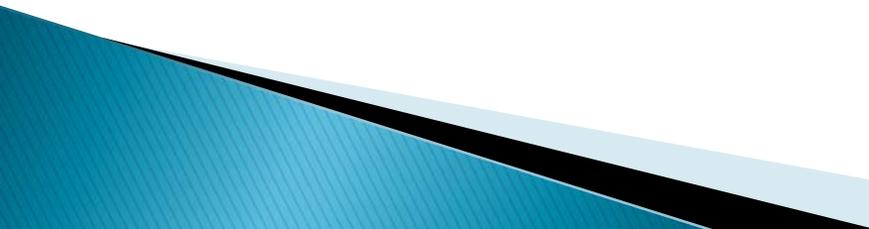
Projects and Activities

- ▶ Education, outreach, referral and advocacy
 - ▶ Technical assistance
 - ▶ Coordination
 - ▶ Compliance review and monitoring
 - ▶ Complaints resolution
 - ▶ Research and reporting
 - ▶ LARC and multilingual website
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IV. Compliance

- ▶ Completed population analysis and needs assessment?
- ▶ Established language access plan?
- ▶ Designated a language access coordinator?
- ▶ Provided multilingual posters to agencies informing them of availability of free language services?
- ▶ Provided free interpretation services?
- ▶ Identified and translated vital documents?
- ▶ Submitted semi-annual LEP report to OLA?
- ▶ Conducted training for staff on the law, language access plan, and working with interpreters?
- ▶ Conducted training for bilingual staff on the law, language access plan, ethics and language competency?
- ▶ Revised language access plan every two years?
- ▶ Identified public contact positions and hired bilingual staff for existing, budgeted, vacant public contact positions?

Complaints Resolution

- ▶ Formal and informal complaints
 - ▶ Complaints process
 - ▶ Complaint forms
 - ▶ Resolution through informal methods
 - ▶ Follow up on recommendations for resolution
 - ▶ Voluntary compliance
 - ▶ Annual report to governor and legislature
 - ▶ Complaints to federal agency
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“Translation of vital documents (*language access*) is not an unfunded mandate. It is like water and electricity – a necessity if you are going to take federal (*or state*) funds.”

– Deena Jang, DOJ (2012)



OLA Contact Information

Office of Language Access

Department of Health

830 Punchbowl Street, Suite 322

Honolulu, HI 96813

Phone: 808-586-8730

email: serafin.colmenares@doh.hawaii.gov

MAHALO

AND ALOHA!

