



**OFFICE OF LANGUAGE ACCESS**

**Annual Report to the Governor and State Legislature  
2011**

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## TABLE OF CONTENTS

	Page
I. Executive Summary	1
II. Introduction	2
III. The Office of Language Access	2
IV. The Language Access Advisory Council	3
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 Access Services Development	6
E. Complaints Resolution	6
F. Legislative Initiatives	7
G. Collaborations	7
H. Staff Development	7
VII. Issues and Challenges	8
VIII. Recommendations	11

## I. EXECUTIVE SUMMARY

This report covers the activities and accomplishments of the Office of Language Access (OLA) for the period December 2010 to November 2011.

The OLA is in its fourth year of operations. The new governor reappointed the executive director. During the year, and despite the change in administration, OLA continued to face challenges due mainly to the continued delay in filling the two staff positions that were restored and budgeted by the Legislature. As a one-man office, OLA's operations suffered. Nevertheless, with very limited clerical support from one volunteer and student interns, as well as assistance from the Language Access Advisory Council, it proceeded to undertake modest activities in pursuance of its identified goals.

To promote public awareness of and outreach to the community on language access, the OLA continued to participate in community events, sponsored the Fourth Annual Hawai'i Conference on Language Access on August 31, 2011, published its quarterly electronic newsletter, and continued to update its website.

The OLA provided technical assistance to state and state-funded agencies by meeting with state language access coordinators; making various presentations, meeting with agencies, responding to legal questions, sponsoring trainings on the neighbor islands on working with interpreters and the role of bilingual staff, and providing updates on Limited English Proficient demographics – all on a limited basis.

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, 2010, but only four of eight have so far submitted. On the other hand, the deadline for those receiving federal funds was July 1, 2011, and only ten out of eighteen submitted. In addition, only nine out of 26 agencies have complied with the submission of the required semi-annual language access reports to the OLA.

Since the last report, the OLA continued to receive calls and visits during the year, however, most were requests for interpreters (including sign language) or translators, as well as requests for information. Other calls were informal complaints about health insurance and traffic violations.

The OLA's executive director successfully worked with the 2011 legislature to retain the two restored staff positions in the OLA budget. Unfortunately, the two positions have remained unfilled during the year.

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

The OLA continued to face the same issues and challenges that were identified during the OLA 2010 retreat. These include the need for public awareness and outreach, training, compliance, limited resources, and the future of the office. To address these issues, the OLA is recommending the following: staffing support by initially filling the two staff positions that were restored and funded by the 2011 Legislature, the transfer of OLA to a new administrative home whose functions are more closely related to those of OLA, the holding of language access month activities annually, the continued provision of training and technical assistance to state and state-funded agencies, improving the competency of language practitioners, the establishment and implementation of a student internship program, and continued collaboration with other public and private agencies.

## II. INTRODUCTION

The Office of Language Access (OLA) is in its fourth year of operations. The office was established by law as an administratively attached agency within the Department of Labor and Industrial Relations.

### A. Report Requirement

The law 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 2010 to November 2011.

## 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 the law, Hawaii Revised Statutes § 371-31 to -37.

### B. Budget and Staffing

The office had originally six (6) positions: the Executive Director, a Senior Legal Analyst, two Research Analysts, a Legal Clerk, and a Clerk Typist. As a result of the reduction in force, all remaining staff except the Executive Director were laid off effective November 20, 2009. The new governor reappointed the executive director, Serafin Colmenares Jr., in December 2010.

During the 2010 Legislative Session, two staff positions (senior legal analyst and clerk) were restored in the budget, bringing the OLA budget to \$312,228 (\$163,992 in personal services and \$148,236 in other current expenses). During the 2011 Legislative Session, OLA’s budget went down to \$306,749 (\$158,513 in personal services and \$148,236 in other current expenses) as a result of additional cuts in salary.

During the past year, the one-man Office continued to perform its most basic functions through volunteer clerical assistance and the use of student assistants. Two student assistants (funded by the University of Hawai‘i Student Excellence, Equity and Diversity or SEED, and the Asian American National Cancer Awareness, Research and Training or AANCART) provided some clerical help and planning assistance for the 4<sup>th</sup> Annual Hawai‘i Conference on Language Access. Very limited volunteer clerical assistance continued to be provided by Gail McGarvey, former OLA clerk-typist.

## IV. THE LANGUAGE ACCESS ADVISORY COUNCIL

### A. Membership

The terms of two members expired during the year, while a third member resigned. Sr. Earnest Chung resigned to accept a position in New York and taking her place is Melba Bantay of Catholic Charities Hawai‘i. Dr. Suzanne Zeng was not reappointed and, in her stead, Dr. Ruth Mabanglo of the Department of Languages of the University of Hawai‘i was appointed. Both appointments were confirmed by the Senate. Jennifer Dotson’s term expired but since nobody was appointed to take her place, she continues to serve in a carry-over capacity.

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

## 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 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, the OLA has 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 monies 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, utilized Ōlelo TV, and maintained and updated its website ([www.hawaii.gov/labor/ola](http://www.hawaii.gov/labor/ola)) to provide information about language access and the office's activities to the public:

- *Community Meetings.* The OLA Executive Director, 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 United Filipino Council of Hawai'i and the Congress of Visayan Organizations.
- *Language Access Conference.* On August 31, 2011, the OLA hosted the Fourth Annual Hawai'i Statewide Conference on Language Access at the East-West Center Jefferson Imin International Conference Center in Honolulu. The one-day event focused on the topic: First Responders – Addressing Language Access Needs in Emergencies. Almost 200 individuals from all over Hawai'i attended. The keynote speakers were Christina Lagdameo, deputy director of the White House Initiative on Asian Americans and Pacific Islanders, and Adrienne Pon, executive director of the Office of Civic Engagement and Immigrant Affairs of the City and County of San Francisco. Other speakers included OLA's executive director, a community voices panel coming from the Micronesian community, a panel of first responders (police, fire and EMS), and a panel from hospitals and community clinics.
- *Newsletter.* The office continued to publish and distribute its electronic quarterly newsletter (The OLA Quarterly), which came out with its fifteenth issue in October 2011. The sixteenth issue is scheduled to come out in January 2012.
- *Ōlelo TV.* The office had its conference proceedings taped and broadcasted by Ōlelo TV in November and December 2011.
- *Website Update.* The OLA website was continually updated as OLA activities are undertaken and as new developments and information on language access become available.
- *Other Publications:* The OLA was also featured in the front page of the August 13, 2011 issue of the *Filipino Chronicle* as well as in the July 2011 issue of the *Hawai'i Hispanic News*.

### B. Technical Assistance and Training

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

- The *bimonthly meetings* with state language access coordinators to discuss plan implementation problems. It was decided to make this into *quarterly meetings* due to lack of staff support.

- *Presentations.* The executive director made presentations at the first meeting of state language access coordinators under the new administration on May 25, 2011 at the DLIR multipurpose conference room, at the 4<sup>th</sup> Annual Hawai‘i Conference on Language Access on August 31, 2011 at the East-West Center in Honolulu, and at the Cross-Cultural Healthcare Conference sponsored by the UH School of Medicine in November 2011 at the Hyatt Regency in Honolulu.
- *Trainings.* In addition, as part of OLA’s role in providing technical assistance to state and covered entities, four training workshops were provided by OLA on the neighbor islands, as follows: November 12, 2010 in Maui (46 attendees), November 22, 2010 in Kaua‘i (37 attendees), December 1, 2010 in Hilo (54 attendees) and December 2, 2010 in Kona (25 attendees). Additional trainings were held in Honolulu on April 11, 2011 at the Susannah Wesley Community Center (105 attendees) and on April 20, 2011 at the DLIR Multipurpose conference rooms (99 attendees). The trainings were for State and county employees as well as non-profit staff – front line workers, supervisors, managers, language access coordinators, and bilingual staff. They were conducted by Dr. Suzanne Zeng of the UH Center for Interpretation and Translation Studies (CITS) and L. Dew Kaneshiro, a private consultant. The morning sessions, “Serving LEP Individuals Through Interpreters”, addressed topics such as: *The Do’s and Don’t’s of Working with Interpreters, How You Can Tell If Your Client Needs an Interpreter, and What Makes an Interpreter Competent?* The afternoon sessions, “The Role of Bilingual Staff”, covered relevant material including: *Cultural Competency, Ethics of Interpretation, How to Self-Assess Your Own Language Abilities, and The Proper Role of an Interpreter.* The workshops were designed to address the growing requests for education and training as agencies implement their language access plans and to raise awareness on how to better serve limited English proficient customers.
- *Consultations.* The executive director met with Gen. Darryll Wong and language access coordinator Galen Hashimoto of the Department of Defense on May 16, 2011 to discuss language access issues relating to civil defense and emergencies. He also met with Gidget Ruscetta and Alan Morita of Kapiolani Medical Center and Hawai‘i Pacific Health, respectively, on May 26, 2011 to discuss language access concerns in the hospital setting, and on October 24, 2011 to discuss their language access plan. He likewise met with Allison Romero of the State Senate on June 2, 2011 to brief her on the language access law and her role as language access coordinator. The executive director also reviewed and discussed on several occasions the language access plan of the Office of Housing and Community Development of Hawai‘i County, and had phone consultations with Kahuku Hospital, Honolulu Police Department, and Hawai‘i Health Systems Corporation regarding their language access plans. In addition, he provided information and guidance to the Department of Commerce and Consumer Affairs, the Disability Compensation Division of the Department of Labor and Industrial Relations, and other agencies on a number of language access issues, and also reviewed and commented on the language access plan of the Department of Labor and Industrial Relations, as well as the Office of Community Services’ Temporary Food Assistance Program State Plan to ensure inclusion of language access requirements.
- *LEP Statistics.* OLA was able to update its *Hawai‘i LEP Demographic and Socio-Economic Profile* based on the 2006-2008 American Community Survey data from the U.S. Census and provided the same to state agencies. OLA has also come up with a mapping of the top 10 LEP languages in each of Oahu’s seven geographic PUMAs (Public Use Microdata Areas) based on U.S. Census data.
- *Multilingual Poster.* OLA has come up with a new version of its multilingual poster titled: Please point here if you need an interpreter in this language (at no cost to you). The 11x17 poster (and an 8.5x11 version) includes 24 languages.

## C. Compliance

### 1. Monitoring

Due to shortage of staff, OLA was not able to conduct monitoring visits to agencies during the year. The office, however, was able to get a memorandum to all executive department heads signed by the Governor on June 2, 2011,

which not only called on departments to comply with language access law requirements but also mandated the OLA to conduct compliance monitoring of departments in 2012.

## 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 eight state agencies not receiving federal funds who submitted plans in July 2008 were supposed to review and resubmit their plans by July 1, 2010. The OLA worked with these agencies to assess and make appropriate modifications to their plans, as necessary. As of this writing, only four of the eight agencies have submitted their revised language access plans; these are the Department of Commerce and Consumer Affairs, the Department of Human Resource Development, the State Senate, and the State House of Representatives.

Meanwhile, only ten out of eighteen agencies receiving federal funds have submitted their revised language access plans by the July 1, 2011 deadline. The following have not submitted their revised plans: Department of Business, Economic Development and Tourism, Department of Health, Hawai'i Health Systems Corporation, Department of Defense, Department of Education, Department of Land and Natural Resources, Office of Hawaiian Affairs, and the Department of Hawaiian Homelands.

Due to staffing problems, OLA has not been able to actively follow up with these 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 quarterly basis. As a result of staffing shortage, however, it was decided that reports will be submitted on a semi-annual annual basis with the following reporting periods: July to December (due March 1), and January to June (due August 31). The new reporting schedule took effect beginning with the July to December 2009 reporting period.

As of this writing, only nine out of 26 agencies have submitted reports to OLA for the July 2010 to June 2011 period. These are the Judiciary, the Department of Human Services, the Department of Labor and Industrial Relations, the Department of Human Resource Development, the Department of the Attorney General, the Hawai'i Public Library System, the Department of Commerce and Consumer Affairs, the Department of Agriculture, and the Department of Accounting and General Services. As a result, the OLA is unable to come up with a statistical report on the total number of LEP served and the language access services provided by the state agencies during the year.

## D. Language Service Development

Through the initiative of the State Procurement Office, and with the support of the OLA, the State of Hawai'i decided to join the Western States Contracting Alliance (WSCA) Telephone Based Interpreter Services contract (SPO Price List Contract No. 10-10) effective June 9, 2010 to February 15, 2011. Hawai'i is a member of WSCA, a multi-state contracting consortium of state governments, including local governments, which seeks to achieve price discounts by combining the requirements of multi-state governmental agencies, and cost effective and efficient acquisition of quality products and services. The State of Washington is the current lead agency and contract administrator for the WSCA Telephone Based Interpreter Services Contract. A request for competitive sealed proposals was issued on behalf of WSCA and contracts were awarded to three qualified contractors. The State of Hawai'i signed Participating Addenda with two contractors: Corporate Translation Services, Inc. dba CTS LanguageLink, which is based in Vancouver, Washington, and Pacific Interpreters, Inc. which is based in Portland, Oregon. The Telephone Based Interpreter Services contract provides 365-days a year, 7-days a week, 24-hours a day Telephone Based Interpreter Services for 85 languages/dialects. Services are provided on an "as needed" basis for Limited English Proficiency (LEP) clients needing immediate interpreter assistance. The contract does not include in-person interpreting, sign language interpreting or document translation services. Hawai'i state, county and non-profit agencies were given the choice to avail of this agreement.

The office has also started conversations with Cross Cultural Communications, a Maryland-based company that does training and certification of interpreters nationally, about the possibility of holding a training on community interpretation as well as a train-the-trainer workshop in Hawai‘i sometime next year.

#### E. Complaints Resolution

During this reporting year, the OLA did not receive any formal complaints. It, however, continued to receive calls from LEP individuals and agencies at about the same volume as last year. The low volume in calls may be attributed to the lack of staff to answer callers and also to the public education and outreach conducted the previous year, which informed people about what the office does and where to call. As before, most of the calls were inquiries or requests for interpreters (including sign language) or translators as well as requests for information. There were several calls from clients of the District Courts (for traffic violations) and the Department of Human Services (for health insurance and other concerns) who were directed by the agency to OLA for their interpreter needs. Obviously, these front line staff are not aware of their language access plans and what the process is in providing interpreters to their clients. Calls emanating from state agencies were referred to their respective language access coordinators. Individuals and nonprofit agencies requesting for interpreters or translators were referred to the directory of language services in Hawai‘i. Calls for information were either answered by the OLA or directed to the office or agency concerned.

#### F. Legislative Initiatives

No legislation was introduced during the regular legislative session of 2011. However, OLA’s executive director successfully worked with legislators to retain in the OLA budget the two staff positions that were restored during the previous session but have remained unfilled.

#### G. Collaborations

The OLA partnered or collaborated with several agencies during the year. It assisted the American Association of Retired Persons (AARP) in organizing a meeting with Filipino leaders and community organizations on August 27, 2011, and also helped AARP and SagePLUS (a program of the Executive Office on Aging) organize two Medicare open enrolment outreach events for the Filipino community on Oahu on November 17, 2011. The office is also partnering with the Senior Medicare Patrol program of the Executive Office on Aging in organizing presentations on Medicare fraud on the neighbor islands in February-March 2012. In addition, OLA partnered with the following agencies in holding the 4<sup>th</sup> Annual Hawai‘i Conference on Language Access: Office of Minority Health (Region IX); White House Initiative on Asian Americans and Pacific Islanders; Office of Civic Engagement and Immigrant Affairs of the City and County of San Francisco; UH Student Equity, Excellence and Diversity; UH Center for Interpretation and Translation Studies; Honolulu Police Department; Honolulu Fire Department; Honolulu Emergency Services Department; Kapiolani Medical Center; the Queen’s Medical Center; Kuakini Health System; Kalihi-Palama Health Center; and the Renato and Maria A. F. Etrata Foundation.

OLA also played host to out-of-state visitors during the year. It met with a group of language access researchers from Japan who visited the office on March 9, 2011 to learn about Hawai‘i’s language access law and the work of the office. The visitors were Dr. Gishu Watanabe, Dean of the Konan Law School in Kobe, Japan; Professor Makiko Mizuno of Kinjo Gakuin University in Nagoya, Japan; and Professor Sachiko Nakamura of Aichi Gakuin University of Aichi, Japan. OLA also met with Director Dr. Michelle Yeboah and public health educator Theresa Castillo from the Office of Minority Health of the Food and Drug Administration based in Maryland on September 28, 2011 to get information and some guidance from OLA as they begin to establish their own language access program.

#### H. Staff Development

The executive director attended the Language and Cultural Access Summit sponsored by the Hawai‘i Immigrant Justice Center at the Legal Aid Society of Hawai‘i on January 25, 2011 with Deana Jang, Chief of the Federal

Coordination and Compliance Section, Civil Rights Division of the USDOJ as speaker/resource person. The executive director attended the Round Table on Immigrants sponsored by the White House Initiative on Asian Americans and Pacific Islanders at Chaminade University on August 23, 2011. He also participated in the webinars sponsored by the Migration Policy Institute on LEP Workers and Access to Workforce Services on September 21, 2011, and on Language Access and Schools: Federal Requirements and School Experiences held on October 6, 2011.

The executive director was unable to attend a federal LEP inter-agency conference in Washington D.C. due to travel restrictions.

## 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 minimal numbers 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. – has been a consistent theme in meetings with agencies as well as in the conferences on language access. It is especially needed for bilingual staff upon whom agencies are relying more and more given the budgetary crunch. Agency staff also needs training on their respective language access plans, and there is a need to continually train administrators and agency staff – especially with the change in administration – about the language access law and its requirements. In addition, training of language service providers – interpreters and translators – is needed, particularly in the medical area where there is a dearth of interpreters and translators.

It was only in November and December 2010 that approval of trainings on the neighbor islands was granted, and trainings in Honolulu held in early 2011. Additional training statewide needs to be done in the upcoming year.

### C. Compliance

The governor's memo of June 2, 2011 pointed out that 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, and some have not been cooperative with the OLA regarding the implementation and evaluation of their language access plan. The lack of staff to follow up on agencies and the absence of consequences for non-compliance make it difficult for OLA to pursue 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, the lack of funding continues to be a problem for state agencies. This is heightened by the current economic slowdown and reductions in staff and budgets. Finally, the language service delivery system in Hawai'i continues to be very limited, fragmented and uncoordinated.

#### E. The Status of the OLA

The threat of dissolution and the non-restoration of OLA's two staff positions (senior legal analyst and clerk-typist) constituted the major challenges to the operations and the very existence of the OLA during the year. Getting community support in successfully countering the threat of dissolution and getting its two staff positions filled occupied much of the time and effort of the executive director. Although ad hoc steps were taken to keep the office going, these may not be enough to ensure the continued and effective performance of the OLA's basic and statutory functions.

In addition, OLA's continued stay at the Department of Labor and Industrial Relations, where its functions are not considered core to the department's functions, has rendered it ineffective and subject to budgetary impositions. There is a need for the office to be relocated to a department whose functions are more related with those of OLA's.

### IX. RECOMMENDATIONS

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

1. Provide staffing support by initially filling the two staff positions restored and funded by the 2011 Legislature.
2. Transfer OLA to another department that has similar functions.
3. Amend the law to provide more enforcement power to OLA.
4. Support the provision of statewide training and technical assistance to state and state-funded agencies.
5. Provide training support to language service providers.
6. Strengthen OLA's educational and outreach activities.
7. Establish and implement a student internship program to supplement staffing needs.
8. Maintain and expand collaboration with public and private agencies.

During the past year, the OLA faced difficulties and challenges not only to its very existence but also in the pursuit of its various goals and objectives. The provision of language access remains a major task for Hawai'i's multilingual society and there is a need for the OLA to get all the support it needs.