

# Language Access

HRS Chapter 371, Part II, §§ 371-31 to 37  
(Act 290, SLH 06; amended Act 8, SLH 08)

## \*HHS Limited English Proficiency Policy Guidelines

- Points to remember
  - Applies to state public contact activities ranging from occasional to daily, ongoing from the curious public to inpatient residents including the internet and “hotlines.”
  - Applies to the public contact activities (as above) of federal or state funded recipients.
  - Persons with limited English proficiency (LEP) are entitled to the same level of access that persons who speak English.
    - Self-identified LEP
    - Ensure “effective communication” - competent, timely, free
  - Use four-factor analysis to assess and determine needs to assure reasonable steps to provide meaningful access (determining the “correct mix” of steps).
    - Oral interpreters such bilingual staff, interpreters (in-person or audio/video)
    - Written translations of “vital” documents important to participation, especially those that have consequences if not done accurately or timely
      - 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
      - If fewer than fifty persons in a LEP group that reaches the five per cent threshold written notice of the right to receive interpretation
      - Translations must be competent, verified, and appropriate
    - Hire bilingual personnel to fill vacant public contact positions (state only)
  - Develop a coordinated language access plan Identifying LEP, identifying methods of aid, training staff, notifying public, and monitoring and updating plan.
  - No translations are required for meeting notices, agendas or minutes or public meetings or hearings, but oral language services may be requested for the event.
  - State level Office of Language Access is established for oversight, coordination, technical assistance, monitoring and enforcement, and is within the Department of Labor and Industrial Relations for administrative purposes only.
    - Sixteen-person Language Access Advisory Council appointed by Governor includes state agency representative and covered entity representative
- For more information, please contact AAO at 808-586-4614 or [aao@doh.hawaii.gov](mailto:aao@doh.hawaii.gov).

\*If the federal funding agency is not HHS, it may require the recipient to meet its LEP guidelines.

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