



OFFICE OF LANGUAGE ACCESS (OLA)  
ADVISORY COUNCIL

Date: February 21, 2013

TO: The Senate Committee on Ways and Means, Senator David Y. Ige- Chair and Committee Members

FROM: Dominic Inocelda, OLA Advisory Council Chair and Members

RE: **In Support of SB58, Relating to Language Access**

At the Office of Language Access Advisory Council meeting on February 13, 2013, the advisory council discussed HB 266, Relating to Language Access and voted to **support SB58.**

The Advisory Council fully agrees that the need to further identify, train, develop, and improve the quantity and quality of interpreters and translators in Hawaii is vitally needed to make language access a reality for Hawaii's limited and non-English speaking people. The 2010 census data reported that of the foreign born population in Hawaii, 120,793 persons were limited English proficient speakers. This is a 12.7 percent increase from the 2000 census data of 107,205 foreign born persons who were limited English speakers.

Members have expressed varying views of how this common goal is to be accomplished and have offered necessary and vital input that helps the Office of Language Access to promote an accountable and responsible plan and program implementation.

Thank you for the opportunity to voice our **support of SB58.**

**LATE**

# hscadv



## HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: Chair David Y. Ige  
Vice-Chair Michelle N. Kidani  
SENATE COMMITTEE ON WAYS AND MEANS

From: Veronika Geronimo, Executive Director  
Hawaii State Coalition Against Domestic Violence

Hearing Date and Time: February 22, 2013, 9:00 am

Place: Conference Room 211

RE: SB58, SD1 - SUPPORT

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The Hawaii State Coalition Against Domestic Violence writes in support of SB58, HD1 which will establish and provide appropriations for a statewide language access resource center and multilingual website pilot project to be administered by the office of language access.

Immigrant women are among the most marginalized victims of domestic violence in Hawaii. Language barriers significantly impact the ability of limited English proficient survivors to access critical information, social services, and other community resources that protect them from or help them with abusive, isolating and dangerous relationships. According to the US Census Bureau, in Hawaii 24.4% of population speaks a language other than English in the home (compared to 19.6% nationally).

Limited-English proficiency (LEP) also impacts immigrant survivors' ability to find gainful employment, which is critical to building financially independent lives and achieve economic independence. Limited-English proficiency is often closely associated with low earnings, poverty, and hardship. In Hawaii, 32% of LEPs earn less than \$10,000 annually, with 75% of LEPs earning less than \$35,000 annually. Research on domestic violence risk factors suggests that poverty traps women in violent relationships.

Trained and proficient interpreters and resources to information in their language will help LEP survivors access the services that may help them find a place to live, find a job or help them find safety.

Thank you for your consideration.

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**LATE**

Hawaii Interpreter Action Network  
P. O. Box 236024  
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TO: Sen. David Y. Ige, Chair; Sen. Michelle N. Kidani, Vice-Chair  
Members, Senate Committee on Ways & Means

FROM: M. Alohalani Boido, M. A., President, Hawaii Interpreter Action Network  
Hawaii Judiciary Certified Court Interpreter (Tier 4)  
Tel.: 946-2558, E-mail: boido@hawaii.edu

HEARING: Feb. 22, 2013, 9:00 a.m., Conf. Rm. 201

RE: **SUPPORT only with amendments, SB 58, Relating to Language Access**

Hawaii Interpreter Action Network (HIAN) is dedicated to representing Hawaii's interpreters. We work to elevate professional standards of competence and ethics, and to improve working conditions. If reworded, SB 58 SD 1 Section 3(8)(A) has the potential to be a major step forward. At present, it is regressive, deceptive, and harmful. Current wording:

- (1) Maintain a publicly available roster of language interpreters and translators, listing any of their qualifications and credentials;

The idea of **publishing a roster of unscreened, alleged bilinguals is appalling. No government entity in the USA publishes a roster of interpreters and translators unless the people on the roster have first met objective, test-based standards.** That is the only responsible road. Self-report of ability and credentials is unreliable. We don't let a person drive a car unless they've passed a written test of knowledge and a test of driving skill. Interpreting and translating for government entities and medical care can and should be the same way.

It is quick and easy to make a very big mess. Cleaning it up later will be costly in time, effort, and money. It is unlikely that the damage done to Limited-English Proficient (LEP) individuals will ever be undone. Section 3(8)(A) opens the door for OLA to put the weight of government approval behind misleading and deceptive "qualifications and credentials." Through that open door will come every fake, flake, fraud, and fast operator who wants to make a buck off the needs of our LEP population and tourists.

Prior to the certification program's implementation in 2007, the Judiciary essentially had an unscreened list. The current program forced out many incompetents, as well as a number of toxic, unscrupulous individuals. OLA's proposal will let them all back in. What a disaster.

**The "twin professions" of interpretation<sup>1</sup> and translation only recognize those credentials based on passing a performance test of the skills necessary to carry out the tasks according to a minimum standard.** Most of these credentials are called "certifications."<sup>2</sup>

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<sup>1</sup> The current standard for interpretation services (under revision):  
[http://www.saludycultura.uji.es/archivos/ASTM\\_F2089-Stand\\_Guide\\_Lang\\_Interp\\_Services\\_%28EEUU%29.pdf](http://www.saludycultura.uji.es/archivos/ASTM_F2089-Stand_Guide_Lang_Interp_Services_%28EEUU%29.pdf).  
For sale: <http://www.astm.org/Standards/F2089.htm>. ASTM International Standard F2575-06: Standard Guide for Quality Assurance in Translation, also available.

<sup>2</sup> There are also credentials that need some cloaking to protect the interpreter or translator. These are the result of training and testing by the U. S. Dept. of Defense, the FBI, etc. There are probably quite a few of these professionals in Hawaii, formerly employed in surveillance.

## **The nationally recognized certifications are:**

1. Tests administered by a state, national, or international entity, such as US federal or state courts, the U. S. Dept. of State, the United Nations, European Parliament, etc.
2. Tests administered by a nationally recognized professional organization, such as the American Translators Association (ATA)<sup>3</sup> or the National Association of Judiciary Interpreters and Translators (NAJIT)<sup>4</sup> for spoken languages, or RID or state certifications for ASL. Now, for spoken language healthcare interpreters, we have the Certification Commission for Healthcare Interpreters (CCHI)<sup>5</sup> or the National Board of Certification for Medical Interpreters (NBCMI).<sup>6</sup> Both the CCHI and NBCMI tests have been approved by the National Commission for Certifying Agencies.<sup>7</sup>

We are concerned that people will be offering as credentials a bunch of stuff that is not based on passing a performance-based test, or where the standard for passing a test is extremely low, and therefore insufficient to merit confidence. Some people will be offering falsified “credentials” as well. OLA at present does not plan to verify credentials.

Some of the languages we need in Hawaii do not have certification tests in interpretation and/or translation available at present. However, there are tests to evaluate:

1. Written and/or oral proficiency in English (a minimum standard for virtually all)<sup>8</sup>, and
2. Written and/or oral proficiency in the Language Other Than English (LOTE).<sup>9</sup>
3. There are companies which offer low-level proficiency testing for interpreters and translators.<sup>10</sup>

## **To be placed on a public roster, a person should at a minimum:**

- Hold a nationally recognized certification or license, or
- Go through training on ethics, procedure, and skills,<sup>11</sup> and
- Pass a written and/or oral proficiency test in English and the LOTE,<sup>12</sup> and<sup>13</sup>
- Pass a written test on the applicable Code of Ethics, and
- Pass a criminal history background check.
- Healthcare interpreters should have a current, negative TB test.

**Placement on a public roster must be based on passing tests. Anything less is irresponsible.**

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<sup>3</sup> [http://www.atanet.org/certification/aboutcert\\_overview.php](http://www.atanet.org/certification/aboutcert_overview.php)

<sup>4</sup> <http://www.najit.org/>

<sup>5</sup> <http://www.healthcareinterpretercertification.org/>

<sup>6</sup> <http://www.certifiedmedicalinterpreters.org/>

<sup>7</sup> <http://www.credentialingexcellence.org/ncca>

<sup>8</sup> There are limited circumstances where an interpreter or translator does not need to know English—when working as part of a relay team. Relays are used for situations where a person may speak a language of extremely limited diffusion, such as an indigenous language of the Americas. The first interpreter might work from the indigenous language to Spanish, and the second interpreter from Spanish to English. In Hawaii, one interpreter might work from Tahitian to French, and another from French to English.

<sup>9</sup> Some testing agencies: ALTA <http://www.altalang.com/language-testing/government.html>, <http://www.altalang.com/language-testing/qualified-bilingual-staff.html>; LTI <http://www.languagetesting.com/>; Versant <http://www.versanttest.com/>.

<sup>10</sup> The Hawaii Judiciary is already using the tests given by one of these companies. <http://www.lionbridge.com/>

<sup>11</sup> The Hawaii Judiciary requires 16 hours of training as part of their certification program. Nationally there is agreement that healthcare interpreters should have a minimum of 40 hours of training.

<sup>12</sup> For a few languages, a test of proficiency in the LOTE may not yet be available. However, these can and should be developed for languages in significant demand in Hawaii.

<sup>13</sup> Written proficiency for translators, oral proficiency for interpreters.

HIAN suggests that Section (3)(8) be amended as follows:

(A) Maintain a publicly available roster of language interpreters and translators, listing any certifications and/or licenses ~~their qualifications and credentials;~~

(E) Work toward official statewide recognition of nationally and internationally recognized professional credentials for bilinguals, interpreters, and translators, and to develop and cooperate in the development of scientifically valid, legally defensible, performance-based, objective, criterion-referenced<sup>14</sup> certification examinations for bilinguals, interpreters and translators to ensure the quality and accuracy of their services.”

Performance-based certification examinations already exist in a number of language pairs, and should be recognized by the State of Hawaii. If and when Hawaii creates its own tests, these tests must ensure the quality and accuracy of interpretation and translation services. That is why we feel it is necessary to specify the types of examinations to be developed, that is, “scientifically valid, legally defensible, performance-based, objective, criterion-referenced...”

We added “cooperate in the development of” because, for languages of lesser diffusion with large populations in Hawaii, i.e. Micronesian and some others, Hawaii could pool resources with other states in the development of examinations for those languages. The Hawaii Judiciary already did this for the oral exams in Chuukese and Marshallese.

About the “...dearth of competent language interpreters and translators available...”—should I laugh or weep? This bill as currently worded will only make things worse.

*Most people need to earn a living.* Hawaii is a near-perfect storm of practices that make it virtually impossible for a competent interpreter or translator to earn a living.<sup>15</sup> Publishing a deceptive roster of unscreened, untested, alleged bilinguals, interpreters, and translators will only make things far, far worse. Nor will Hawaii’s LEP residents and tourists be well served.

For years I have watched helplessly as ethical, competent practitioners have been driven to take work in other fields. They will not come back—they have told me so. Hawaii does have people with the potential to develop into competent practitioners. They just don’t have any financial incentives to do so. Why should an ethical, competent person have to compete on equal terms with non-professionals? We don’t allow this in other professions.

Pass this bill as currently worded, and you will be throwing away another generation of talent. OLA will flood Hawaii with unscreened people. That would be a giant step backwards after the progress made by the Judiciary’s certification program.

We are attaching supplemental materials on testing *for information purposes only*. They come from a specific company. We are not recommending for or against this company.

We ask you to support SB 58, with our proposed amendments. Thank you.

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<sup>14</sup> “Criterion-referenced” means graded on a standard, not on a curve.

<sup>15</sup> The only thing that stops it from being a perfect storm is that after years of HIAN’s lobbying, with strong support from the immigrant advocacy community here, and a push from the Legislature, the Hawaii Judiciary *finally* implemented a certification program in 2007. That was 10 years after obtaining access to the necessary tests.



## Validation Overview

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In producing a valid assessment, ALTA follows a 9-step process, whereby each step contributes to the overall validity of the exam. Figure 1 illustrates this validation cycle, and each step is described below:

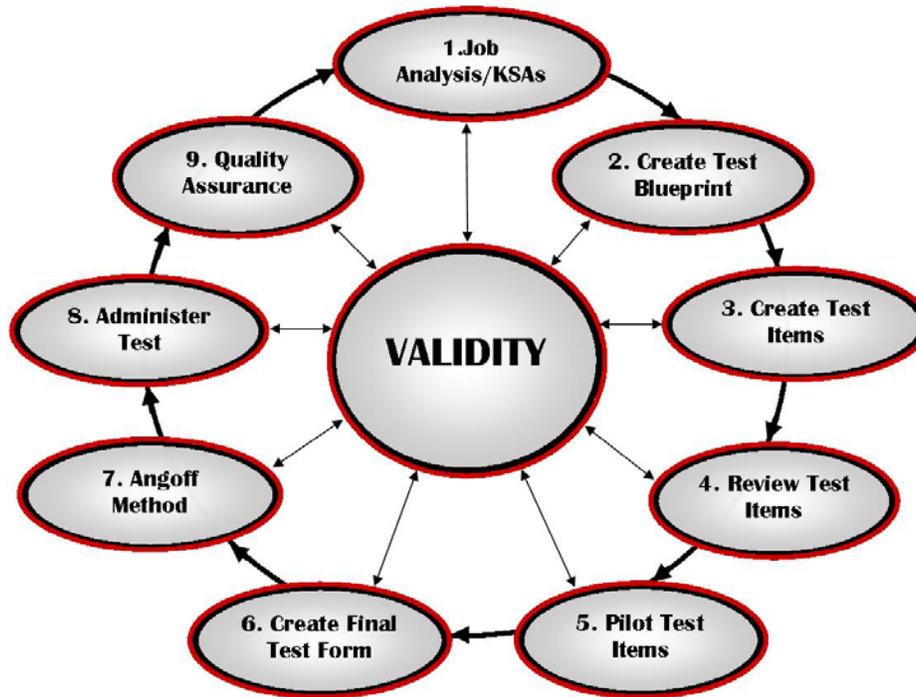


Figure 1: Validation Cycle

- 1. Job Analysis/KSAs:** The first step in test development is to identify the knowledge, skills, and abilities (KSAs) that the test will be designed to measure. For tests that are designed to qualify an individual to perform a specific job, these KSAs are identified through the performance of a job study in which individuals knowledgeable of what the job entails – or, subject-matter experts (SMEs) – are interviewed to collect this information. The identification of KSAs is a crucial step in providing focus to the development efforts that follow. An alternative method is to define the performance level of the test, and identify the elements of proficiency that represent that performance level.
- 2. Create Test Blueprint:** The test blueprint is created based on the KSAs or performance level identified. The blueprint specifies to the test developer the content that will be included in the test, the amount of content in each skill area, and any other instructions needed to properly develop the content. Using the blueprint as a guide, test developers are engaged to create the actual test items.



3. **Create Test Items:** Item development is carried out according to the specifications outlined in the test blueprint. More than the ample amount of test items are created to allow for the possibility that some of the items will need to be eliminated based on pilot-testing and item analysis results.
4. **Review Test Items:** All test items are submitted to a separate panel for review and comment. This panel reviews each test item and verifies that each aligns with the specifications as outlined in the test blueprint. Any need for modification is recorded, and comments are provided to the developers so that the appropriate changes can be made. This review process is repeated for any changes that are made until the pilot version of the test is complete.
5. **Pilot Test Items:** Once the final draft version has been reviewed and approved by test developers and the review panel, the items are pilot-tested to gather data around item performance. Pilot testing is done using a sample of candidates representative of the target population. Following the pilot-testing, psychometric analysis is performed on the results to determine the test's performance.
6. **Create Final Test Form:** Results from the statistical analysis yield the items that will constitute the final test form, and these items are assembled into the operational version of the test.
7. **Standard-Setting:** Using the final test versions, a panel is assembled to determine the cut-score of the test, or the percentage of correctly-answered items that the candidate needs to successfully pass the test. Although various standard-setting methods exist, ALTA typically uses the Angoff method, which relies on the judgments of the panel as to the percentage of minimally-qualified candidates who would perform successfully on each item.
8. **Administer Test:** Upon determining the cut-scores for the final test versions, the tests are available for operational use and are administered according to the operational policies set up by the test administrator using a prescribed scoring rubric.
9. **Quality Assurance:** Quality assurance is performed continuously to ensure that the items are performing properly over time. Quality assurance also provides a method for monitoring overexposure and identifying items which may have been compromised.

It is important to note that validation is a cycle, the testing organizations should continue reviewing the test and collecting evidence of the test's validity. At various points in the lifetime of a test, each step may be revisited for review and/or revision.



## Description of Test Types

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**Speaking and Listening (Live):** For this test, the candidate is connected via telephone to a live evaluator who is a native speaker of the target language. After verifying the candidate's identity, the evaluator will conduct the test, which consists of a series of questions that are designed to elicit the full range of the candidate's ability to use the target language verbally, and to identify what the candidate can do with the language (through performance of various tasks such as giving a description, talking about a hypothetical event, providing an opinion, etc.), as well as how well the candidate uses and controls the language in terms of its mechanics (ex: grammatical structures, vocabulary). At the end of the test, the candidate is instructed to hang up. The evaluator scores the performance based on the subcategories of communication, comprehension, grammar and vocabulary, and an overall score is assigned on the ILR scale. This score along with comments is sent to you or your administrator the following business day. The cost of the test is \$60.

**Speaking and Listening (IVR):** In 2007, ALTA launched a project to deliver its assessments via an automated, interactive voice response (IVR) system. This system was aimed at expanding our clients' availability to oral language testing services to a 24x7 basis and reducing clients' scheduling time. The IVR system of assessments allows clients to register their candidates through an online system, and generate access codes for their candidates to enter when calling for their test. By entering this access code, candidates are able to access test content, which is delivered automatically. The questions follow the same delivery format as in ALTA's current system of oral assessments conducted live with an evaluator. One question is selected at random from a pool of similar questions, focusing on a particular linguistic task (e.g. narrating in the past tense), and the recorded question is played for the candidate. The candidate is given a specific period of time to respond to the question posed, and the response is digitally recorded. This sequence continues for the remainder of the test, or until all questions have been delivered to the candidate. The candidate is instructed to hang up the phone, at which point the file containing the questions and the responses is sent to a human evaluator for scoring. The evaluator scores the candidate's performance according to the ILR performance scale. The results are returned to the client the following business day. The cost of the test is \$50.

**Writing Proficiency:** This test is downloaded from the testing portal along with proctoring instructions. It must be administered on site. The test consists of five requests for a written response in the target language. The written test requires the candidate to demonstrate what he or she can do with the language in its written form through the performance of various tasks (writing a letter, giving an opinion, describing a rule or procedure), as well as how well he or she uses and controls the language (ex: grammatical structures, spelling/character selection). The candidate simply writes his or her response to each question in the space provided. At the end of the test, it is collected and sent back to ALTA for scoring. The evaluator scores the writing based on expression, understanding of the given topics, grammar, vocabulary and spelling, and an overall score is assigned. This score along with comments is sent to you or your administrator within two business days. The cost of the test is \$60.

**Multiple Level Reading Test:** Reading comprehension tests are available through our online application, and consist of a selection of passages, each followed by a series of questions about the passage in a multiple-choice format. The Level 8-10 reading comprehension test developed by ALTA consists of 8 passages and 25 multiple-choice questions. Each question adheres to an objective that targets a specific reading skill: understanding the main idea of a text, understanding a stated detail, understanding an implied detail, or making an inference. ALTA's development team determined these objectives by performing a close reading of the ILR reading skill-level



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descriptors and honing a list of the important knowledge, skills, and abilities for each of the levels on the test. The candidate simply reads the passages and marks his or her selection for each question. When finished, the candidate clicks the "Submit" button at the bottom of the screen to record his or her answers. The system automatically scores the test on a percentage basis (number of correct answers out of total possible correct) and assigns a corresponding ILR or ALTA performance level. The administrator can immediately view the candidate's score and interpret performance based on the overall score for the test. The cost of this test is \$30.

**Translation Test:** This test is downloaded from the testing portal along with proctoring instructions.. The tests consist of 2 passages, which the candidate must translate into the target language within the allotted timeframe (no more that one hour). The translations, along with the time taken to complete the tests, are sent to ALTA for scoring. Performance is judged based on accuracy, grammar, spelling (or character selection), expression and speed, and an overall score is assigned. This score along with comments is sent to you or your administrator within two business days. The cost of the test is \$60.

**Interpretation Test:** ALTA's interpretation test is customized for the client. It is administered via telephone and consists of a consecutive interpretation dialogue. The roles of the speakers are played by the native English-speaking evaluator and native Target Language-speaking evaluator, respectively. The candidate listens to each segment of dialogue and provides the interpretation after each (each segment is 40 words or less). The English evaluator scores the English responses and the Target Language evaluator scores the Target Language responses according to a set of objective and subjective scoring criteria. Objective criteria include a selection of scoring units that the candidate must render correctly to score a point. Subjective criteria include overall language use and accuracy. At the end of the test, the candidate is scored according to the overall percentage of objective units correct and the holistic performance. This score along with comments is sent to you or your administrator the following business day. The cost of this test is \$100 per candidate.



## Quality Assurance and Reliability

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Reliability is the extent to which a test is repeatable and yields consistent scores. All measurement procedures have the potential for error, so the aim is to minimize it. In the language testing market where tests are performed and evaluated by independent raters, the testing providers have to concern themselves with inter-rater reliability, or the degree to which two evaluators would rate a candidate's performance the same.

To maintain a high inter-rater reliability, ALTA follows several steps. First, training is implemented. Each of ALTA's evaluators is trained using an extensive library of recorded audio sessions of real evaluations from ALTA's archive of oral language evaluations. Potential evaluators are trained on ALTA's scoring criteria, and are then required to rate actual evaluations. Scores (subcategory and overall) are reviewed against the original scores and discrepancies are discussed and resolved. The evaluator continues this training until scoring is provided accurately and consistency.

Once the evaluator has successfully completed this training, he or she is approved to administer and rate live evaluations. During the initial period, 100% of his or her evaluations are pulled for score reviews using an independent evaluator to collect inter-rater reliability data and to ensure accuracy. Once the accuracy has been established, ALTA moves to its standard quality assurance process. Ongoing training is also offered to ALTA's evaluators. These standardization, or "norming," sessions are designed to ensure that raters continue to interpret the scoring criteria the same, and that their scoring does not become stricter or more lenient over time.

To maintain the highest quality assurance, ALTA has a specific review procedure to monitor our evaluator's reliability, to collect inter-rater reliability data, and to ensure that the criteria are being applied consistently. ALTA also implements this review procedure on a case-by-case basis for the following reasons:

1. The scores in each subcategory (Communication, Comprehension, Grammar and Vocabulary) are not consistent with the overall score.
2. The evaluator was trained recently.
3. The scores appear out of range for a particular client (e.g. a low score for a client whose candidates typically score high).
4. To cross-match between languages: a candidate should be fluent in at least one language.
5. The candidate's score was borderline for that client's passing level.
6. There has been a radical change in a candidate's scores versus those received in a previous test.
7. The evaluator is on watch for any internal reason.
8. To ensure that evaluators perform the tests with professionalism and according to our test administration requirements.



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Any time differences between the score reviews and the initial evaluator's scores are found, these differences are resolved and a revised score is sent to the client. Reviews also allow ALTA to recognize opportunities for training or improvements, and implement them accordingly.

Due to its quality assurance process, ALTA maintains an average inter-rater reliability of 0.86 and above, where a 0 = no correlation and 1= a perfect correlation. A correlation of 0.70 and higher is considered an acceptable standard in the industry. By continuously monitoring its raters' performance, ALTA's reliability exceeds industry standards.

**LATE**

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
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**Cc:** [kspanol@aol.com](mailto:kspanol@aol.com)  
**Subject:** Submitted testimony for SB58 on Feb 22, 2013 09:00AM  
**Date:** Friday, February 22, 2013 2:27:41 AM

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SB58

Submitted on: 2/22/2013

Testimony for WAM on Feb 22, 2013 09:00AM in Conference Room 211

| Submitted By    | Organization | Testifier<br>Position | Present<br>at<br>Hearing |
|-----------------|--------------|-----------------------|--------------------------|
| Kathleen Shelly | Individual   | Support               | No                       |

Comments: As a certified interpreter, I merely wish to support the position of the Hawaii Interpreters and Translation Association. I have read the testimony prepared by Marcela Boido and agree with it wholeheartedly. I encourage the Hawaii legislature to include the changes recommended by Ms. Boido.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)