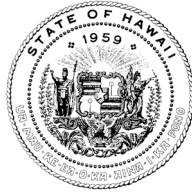


DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
CHIEF INFORMATION
OFFICER

OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

P.O. BOX 119, HONOLULU, HI 96810-0119
Ph: (808) 586-6000 | Fax: (808) 586-1922
ETS.HAWAII.GOV

Testimony of
DOUGLAS MURDOCK
Chief Information Officer
Enterprise Technology Services

Before the

SENATE COMMITTEE ON HUMAN SERVICES
SENATE COMMITTEE ON GOVERNMENT OPERATIONS
TUESDAY, MARCH 10, 2020

SENATE CONCURRENT RESOLUTION 4/ SR 3

Dear Chairs Ruderman and Thielen, Vice Chairs Rhoads and Inouye, and members of the committee:

The Office of Enterprise Technology Services (ETS) supports this measure, which requests the Disability and Communication Access Board, in collaboration with the Office of Enterprise Technology Services, to convene a working group on accessible government documents.

However, we recommend the structure of the working group be changed to be chaired by the Disability and Communication Access Board with ETS as a listed member of the group.

ETS has several ongoing initiatives in this area. We have been working with executive departments to have their websites conform to the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standards. We provide website and content creation tools and training to facilitate attainment of accessibility guidelines.

Thank you for this opportunity to provide testimony on this bill.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committees on Human Services and on Government Operations

From: Cheryl Kakazu Park, Director

Date: March 10, 2020, 3:05 p.m.
State Capitol, Conference Room 225

Re: Testimony on S.C.R No. 4 and S.R. No. 3
Requesting the Disability and Communication Access Board, in
Collaboration with the Office of Enterprise Technology Services, to
Convene a Working Group on Accessible Government Documents

Thank you for the opportunity to submit testimony on these resolutions, which would ask the Disability and Communication Access Board and the Office of Enterprise Technology Services to convene a working group to research and make recommendations for improving the accessibility of government documents. The Office of Information Practices (OIP) would be happy to participate in the working group as proposed by these resolutions.

Thank you for the opportunity to testify.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

March 10, 2020

TESTIMONY TO THE SENATE COMMITTEES ON HUMAN SERVICES AND GOVERNMENT OPERATIONS

Senate Concurrent Resolution 4/Senate Resolution 3 – Requesting the Disability and Communication Access Board, in Collaboration with the Office of Enterprise Technology Services, to Convene a Working Group on Accessible Government Documents

The Disability and Communication Access Board (DCAB) supports the intent of Senate Concurrent Resolution 4/Senate Resolution 3 that asks DCAB, in collaboration with the Office of Enterprise Technology Services, to convene a working group on accessible government documents.

When it comes to accessible government documents, Title II of the Americans with Disabilities Act requires state and local governments to provide equal access for individuals who are disabled, especially persons with communication access needs (persons who are blind and/or deaf) in this context. It is acknowledged that the increasing use of technology to post government documents on state agency websites has presented challenges with ensuring compliance with accessibility requirements. Convening a working group to address various issues involving accessible government documents could be a positive step in overcoming such challenges and ensuring equal access for persons with disabilities.

SCR 4/SR 3 identifies DCAB as a co-chair for the proposed working group. Currently, DCAB is unable to serve as a co-chair of the proposed working group due to a lack of staff. DCAB requested a .5 FTE Communication Access Specialist position that would work to provide technical assistance on issues involving website accessibility, including the concerns raised by SCR 4/SR 3 regarding accessible government documents. This request was not granted in the House budget bill. Nevertheless, DCAB would like to contribute input as part of the working group.

Thank you for the opportunity to testify.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

SCR-4

Submitted on: 3/9/2020 11:06:47 AM

Testimony for HMS on 3/10/2020 3:05:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Jim Gashel | Testifying for National Federation of the Blind of Hawaii | Support | Yes |

Comments:

NATIONAL FEDERATION OF THE BLIND OF HAWAII

Testimony Before The Committees on Human Services (HMS) and Government Operations (GOV)

Hawaii State Senate

Thirtieth Legislature

Regular Session of 2020

March 10, 2020, 3:05 PM, hearing on SCR 4/SR 3

Good afternoon committee chairs vice chairs, and members of the Human Services and Government Operations committees. My name is James Gashel. I am a resident of Honolulu and live at 2801 Coconut Avenue. I am testifying today on behalf of the National Federation of the Blind of Hawaii.

Today I want you to know of our strong support for this resolution to request establishment of a working group on accessible government documents. The resolution clearly presents the problem we hope will be addressed, and we ask for your enthusiastic support.

Our favorable position is based on our experience that employees or contractors who create documents for the state may not often be aware that the users of those

documents may be unable to see enough to read printed text appearing on an ordinary computer screen or printed text produced by an ordinary printer. This is the case for most members of the NFB of Hawaii, but we still have the same needs as other citizens to receive and use information produced by the state.

For example, we still vote and pay taxes, but are all of the documents used in these activities accessible and usable if you can't see them on a computer or print them? Some are, and some are not. When they are not, it is usually not a case of willful disregard; just lack of awareness or lack of attention to the detail of producing accessible alternate formats. The law is clear, that accessible documents are required to be available from government agencies. When failures occur, and they do, education is needed. Finding ways to increase awareness and improve production methods will be the important mission of this working group.

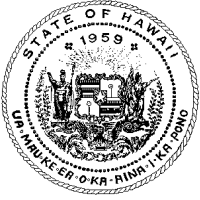
The overall goal of this resolution can be readily achieved. Nothing needs to be invented. Existing computer technology makes this so. In using the term "accessible" the resolution is referring to the presentation of documents in alternate formats in addition to standard print. Our need, the need, that is, of people who are blind, is to have documents available and usable in a non-visual format; not just standard print. Output in speech or Braille are examples. Work on quick and convenient ways to produce accessible alternate formats has been done and is being done as we speak. This is happening throughout the United States and the world.

I have two points relating to terminology used in the resolution. First, about use of the term "documents," we hope, if created, the working group will be able to interpret this term broadly. In other words, we think the platform used to distribute or display documents should fall within the scope of the resolution. If the platform is outside the scope, we face the proposition that the means to obtain an accessible document could be blocked, making the document itself inaccessible. We hope the working group will be able to review and speak to this concern.

Also on terminology, item 10 on the list of groups to be represented is "an advocacy group for blind persons." We hope the word "for" in this clause would be changed to "of." I don't want to quibble. This is substantive. An organization like the NFB of Hawaii is an advocacy group "of" blind persons. The distinction we make is between "of" and "for." This is important because the term "of" refers to the representative character of an organization. In our experience, organizations "for" the blind may not consist of blind people and may not actually represent blind people.

Likewise, we note the reference to "President of the National Federation for the Blind - Hawaii Chapter," which appears to be a reference to our organization. We appreciate this. I am referring to the list of those intended to receive certified copies if the resolution is adopted. However, we would ask to have the words "National Federation of the Blind of Hawaii" substituted for the existing reference in order to promote correctness and to avoid any possible confusion. National Federation of the Blind of Hawaii is actually our legal name, and there is no organization with the legal name that appears in the resolution.

Mahalo for your kind attention and consideration of this resolution.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

March 10, 2020
Rm. 225, 3:05 p.m.

To: The Honorable Russell E. Ruderman, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Human Services

The Honorable Laura H. Thielen, Chair
The Honorable Lorraine R. Inouye, Vice Chair
Members of the Senate Committee on Government Operations

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.C.R. No. 4/ S.R. No. 3

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports S.C.R. No. 4 and S.R. No. 3.

S.C.R. No. 4 and S.R. No. 3, if adopted, request a working group on accessible government documents be convened, led by Disability Communication Access Board (DCAB) and Office of Enterprise Technology (OET or ETS).

Accessibility of state government documents is important, and is required under Title II of the Americans with Disabilities Act (ADA). The HCRC is willing to participate in the proposed working group, but defers to the subject matter expertise of DCAB on Title II accessibility requirements. The HCRC supports systematic efforts to address accessibility issues, rather than the current approach of leaving it to each individual department to make their posted documents accessible and ADA compliant. ETS and DCAB should have the resources to assist and support all departments in compliance with provision of accessible documents as required by law.

The HCRC supports S.C.R. No. 4 and S.R. No. 3.

Testimony Before The Committees on Human Services (HMS) and Government Operations
March 10, 2020, 3:05 PM, hearing on SCR 4/SR 3

Aloha Chair and Committee members,

My name is Katie Keim residing at 2943 Kalakaua Ave. I am an officer and member of The National Federation of the Blind of Hawaii. As an organization of blind individuals, speaking for ourselves, we are in strong support of the resolution before you today.

The technology is already in place to ensure that individuals with disabilities can have equal access to all material that our non-disabled peers can access within government. The establishment of a committee supports a step in the right direction toward our full access to government information and documents. Having been part of committees for equal accessibility in the past, please seriously consider ensuring the committee has individuals with disabilities as full and active participating decision making members of the committee alongside the qualified technology team to ensure actual useful access.

The ability to independently and privately absentee vote, pay property taxes, fill out government job applications, read state regulations and statutes, fill out internal forms for those blind and disabled individuals who already work for government, and the ability to fully access government information through material is critical to our success as citizens of Hawaii.

Mahalo for your time and consideration of this important step forward which will enable us as blind citizens to fully participate in all affairs with our government and community.

Testimony Before The Committees on Human Services (HMS) and Government Operations (GOV)

Hawaii State Senate

Thirtieth Legislature

Regular Session of 2020

March 10, 2020, 3:05 PM, hearing on SCR 4/SR 3

Good afternoon committee chairs vice-chairs, and members of the Human Services and Government Operations committees. My name is Dianna Jones. I am a resident of the Big Island of Hawaii and live at 75-260 Hualalai Rd. I am testifying today on behalf of myself.

I am a highly educated, competent blind individual who has since I lost most of my vision in 2016, repeatedly tried, through verbal and written requests, to obtain accessible documents from the Department of Health Food Stamp program and the Hawaii Medicaid office. Unfortunate medical circumstances have forced my family to need these programs. After staff in the local Food Stamp office refused to help me fill out the forms, I contacted the Big Island Section Administrator for DHS to obtain documents that my computer and software could read to me. I hoped to fill out the forms myself, and thereby, to have the opportunity to maintain the confidentiality of my financial information. He freely admitted that he had no idea what I needed nor where to obtain help. He contacted the Ho'opono School for the Blind and received no information that he could understand nor knew what to do with. He had no idea what an accessible document was nor where to turn. His solution was to come to my home the day before Thanksgiving and personally help me fill out the forms. This was certainly not the best use of his time, but at least he was willing to help. The following year, the SNAP program documents were sent out late and I had only four days to find someone who understood the documents enough to help me fill them out. Continuing to press for accessible documents or for someone from DHS to help me fill them out would have meant a loss of benefits for my family.

Why is this bill essential? The blind who cannot read documents from Medicaid or SNAP programs are either forced to forgo the benefits or to reveal their most confidential financial information to strangers or, even worse, to someone who may or may not have their best interests in mind. Accessible documents not only give the blind the ability to have control of their financial information but also to apply on equal terms for benefits that are available to their sighted peers.

Before my vision loss, I was the person who checked every number, every clause and even the fine print in a document. My disabled husband was known to just sign a document that required both of our signatures without checking because he knew that I would be hypervigilant in ensuring that everything in the document was precise, accurate and in our favor. Without accessible documents, I can no longer do this.

When dealing with any State documents, I am filled with extraordinary apprehension, because, in spite of the fact that I am quite capable intellectually of reading, understanding and completing any document or information request from the State, the lack of accessible documents means I can do little without help.

Accessible documents give the blind the ability to file their taxes. When submitting taxes, an individual is required to sign a statement that the information in a tax return is correct to the best of their knowledge. Imagine having to sign a document that someone else has filled out for you and then having little or no ability to see or to verify anything on the return. When I am required to sign tax returns or other legal documents that are not accessible, I am forced to do so based on trust of the unknown or the trust of a stranger, all without any capability to verify the document.

Yes, accessible documents are an extremely personal issue for me. Accessible documents give me, and those like me, the dignity that our sighted peers have to conduct our affairs efficiently, independently and confidentially, to have the knowledge and confidence that our signatures on a document serve the stated purpose and most of all, accessible documents give the blind the ability to contribute on an equal footing with our sighted peers to our society and great State.

This resolution is only a beginning step towards giving those of us with vision impairment the ability to stand equally with our sighted peers and to attain the right to retrieve, receive and read information from any State agency in a manner that will enable us to engage with our government agencies.

My mind works extremely well. I simply need accessible documents so that my mind can soar above what my eyes cannot see.

Mahalo for your kind attention and consideration of this resolution.

Dianna G. Jones

47-345 D Hui Iwa street
Kaneohe, HI 96744

March 10, 2020

The Honorable Russell E. Ruderman and
The Honorable Laura H. Thielen
Chairs of the Senate Joint Committees on
Human Services and Government Operations
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, HI 96813

Re: SCR 4/SR 3 – Requesting the Disability and Communication Access Board, in
Collaboration with the Office of Enterprise Technology Services, to Convene a
Working Group on Accessible Government Documents

Dear Chair Ruderman, Chair Thielen and members of the Senate Joint Committees on
Human Services and Government Operations,

As an individual who is hard of hearing, I support the intent of these resolutions and offer comments. My expertise in this area comes from 31 years of experience in public service with the State of Hawaii which included working with web developers, people with disabilities having problems using the internet, as well as taking and coordinating classes for state employees related to developing accessible websites. I am also a member of the Deaf and Blind Task Force who initiated these resolutions. Having a disability myself, I am very committed to equal access for all to state and county government programs and services.

There is a great need in the Disability community for access to government websites, especially those as important as the Legislature's. Under the Americans with Disabilities Act (ADA) Title II, the Legislature offers programs and services of government and is required to provide equal access to information provided by the Legislature's website to people with disabilities. This includes individuals with communication access issues, including but not limited to, people who are D/deaf, hard of hearing, deaf-blind, blind, partially sighted, or who have limited hand mobility causing difficulty navigating a website using a traditional mouse. Currently, there are state websites that are not equally accessible to everyone in the disability groups mentioned earlier. These resolutions offer state government agencies and the Disability community an opportunity to collaborate by identifying barriers, possible solutions, and other issues to correct related to accessibility concerns.

My primary concern with these resolutions is that they identify a majority of government agencies and only a few advocacy agencies representing individuals with disabilities who may be having difficulty accessing websites due to their disability. There is also no mention of representation of people with disabilities statewide, or people with disabilities who may be knowledgeable about website accessibility and technology specific to individuals with disabilities. Current technology offers the opportunity for individuals to participate statewide using the Internet, so cost would not be a factor to include individuals participating statewide. I ask that amendments be made to SCR4/SR3 to include those categories so more individuals can provide input to the process, and reduce the appearance of the state controlling direction of the discussion is essential. Perspectives from individuals with disabilities and their needs for website accessibility should be the central focus of the working group.

Thank you for the opportunity to provide comments.

Respectfully,

DEBBRA L. JACKSON, M.S.

To: Committee of Human Services &
Committee of Government Operations

From: Deannie Nakaza, Member of the National of the Blind of Hawaii

Date: Tuesday, March 10, 2020

Time: 3:05 pm

Place: Conference Room 225, State Capitol

Subject: In Support of S.C.R. 4 & S. R. 3

I am a member of the National Federation of the Blind of Hawaii. Also, a student earning my Master's degree at the Myron B. Thompson School Social of Work.

I support S.C.R. 4 and S.R 3 because despite the fact that vision and non-sighted community have a disadvantage, this resolution can assist in alleviating much of the stress. This resolution will provide equal accessibility to government documents. Furthermore, the accessibility can help bridge the communication gap between government agencies and the low vision and non-sighted community.

It is surprisingly that government documents are not assessable to all citizens. A fraction of the low vision and non-sighted are equally concerned and involved in the legislation process. With the world progressing, sophisticated communication technology has found a way to enhance the accessibility of all sorts of documents. Have you ever had a document and wanting to access but couldn't because it was not assessable?

Also, this resolution can embark on a new beginning for the low vision and non-sighted community to collaborate with the working groups mentioned in the resolution. The collaboration can provide a greater insight and knowledge to accommodate their needs.

Therefore, by passing S.C.R. 4 and S.C. 3, the low vision and non-sighted community can gain social and economic inclusion in the legislative process.

Thank you for this opportunity to testify.

SCR-4

Submitted on: 3/9/2020 12:38:31 PM

Testimony for HMS on 3/10/2020 3:05:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Justin Salisbury | Individual | Support | No |

Comments:

Mahalo for bringing this bill to a hearing.

We have needed progress in this area for a long time. As a blind person, I have found so many important government forms that I could not access. This has led to many delays in service delivery for me and for many other people in Hawaii. If a service is delayed forever, that's basically the same thing as denying it to us; in fact, it is crueler because it gives us false hope that the service may eventually be delivered.

I had the unfortunate experience of needing to file a disability discrimination complaint form, and then the disability discrimination complaint form was also inaccessible. In other words, the same lack of accessibility that required me to file a complaint in the first place also prevented me from filing the complaint.

It is not difficult to make our government documents accessible. If accessibility is never considered, it often does not happen. If it is brought in as an afterthought, then it is often more work. If accessibility is considered in the design phase (at the very beginning), it is extremely easy.

Many of our government documents are woefully out of date. This initiative may lead us to look at old forms that ought to be updated, anyway.

If I am able to access the documents myself, then I don't have to bother someone else to pull them away from their jobs to help me get around that access barrier. The work that will be involved in the initiative discussed in this resolution will be less than the summation of the ongoing losses in productivity that come from the problem.

Testimony of Roderick J. Macdonald
Re: SCR4 / SR3

COMMITTEE ON HUMAN SERVICES
Senator Russell E. Ruderman, Chair
Senator Karl Rhoads, Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS
Senator Laura H. Thielen, Chair
Senator Lorraine R. Inouye, Vice Chair

DATE: Tuesday, March 10, 2020
TIME: 3:05PM
PLACE: Conference Room 225
State Capitol
415 South Beretania Street

SCR 4 / SR 3

REQUESTING THE DISABILITY AND COMMUNICATION ACCESS BOARD, IN COLLABORATION WITH THE OFFICE OF ENTERPRISE TECHNOLOGY SERVICES, TO CONVENE A WORKING GROUP ON ACCESSIBLE GOVERNMENT DOCUMENTS.

Chairs, Members:

My name is Rod Macdonald. I am both deaf and blind, and as such, accessing State Government documents in alternate formats is a major challenge that I have been repeatedly unable to overcome.

By law - the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and numerous other Federal and State statutes - a disabled individual is entitled to receive materials in accessible formats unless it can be shown that such provision would impose an undue hardship on the provider. We are not referring to extremely difficult provisions here.

In 2018 I requested, on the appropriate State form, a copy of a DHS contract with UH, in electronic format. A colleague made a similar request for a paper copy. My colleague received the paper copy expeditiously. What was sent to me was a text file depicting a scanned image of a paper document, with thousands of scanning errors - words running together, words with imbedded spaces, punctuation interpreted as characters, the digit 1 and the letter l misinterpreted, and many similar errors. It was IMPOSSIBLE to read in braille. I reported this to DHS and received no response.

A year later I requested a similar copy of a newly-signed contract. I was provided with 6-8 separate files, some readily accessible and some completely non-accessible. Some files were missing. I was told that while DHS had developed the contract, once it was signed it belonged to the Attorney General; files were in whatever format the Ag chose to use; files were password-protected; Ag intervention was requires ... sorry, this is all you get.

On several occasions I wrote to DHS seeking operational statistics relating to the contract I was interested in, usually a prior-year contract. DHS in turn passed the request on to the contractor, and passed to me whatever the contractor provided in whatever format provided. On virtually every

occasion the "data" was massaged to make it look more positive than it should have been - a six-month requested time frame became a nine-month time frame; data from a prior fiscal year was added to make the figures look better. DHS simply passed on whatever was provided and would accept no responsibility for the information's accuracy or relevance.

One final example: Ten days prior to a meeting with DHS, I requested, in writing, that I be provided with the minutes from the meeting. This request was ignored. When I inquired afterward I was told that I had not specifically requested a CART interpreter to take notes. When a DHS employee attending the meeting offered to share his notes, his supervisor forbade him to do so because the notes were not official.

The above are just a few examples of the frustrating difficulties in obtaining accessible information from State agencies and contractors.

The irony is that when information is developed or reports written, they are invariably in accessible formats, such as MS Word. They are then archived in other formats for whatever reason, and getting an accessible format back to a requesting individual can be problematic, as can the bureaucratic process. I am usually seeking information as a consumer, as a member of the advocacy community, with an interest in ensuring a program or service is doing what it is supposed to do. The provider of the information is often interested in making the program or service show to advantage, minimizing any shortcomings.

I hope that the working group this legislation seeks to establish will take all of these issues into account: (1) ensuring the accessibility of Government information to the fullest degree possible; (2) mandating that the agency providing the information is fully accountable for its provision in a timely and responsible manner; and (3) that the information provided is true, accurate and responsive to the request for the information.

We then come to the issue of enforcement. What does a consumer do if a legitimate request is ignored - as many of mine have been? I respectfully request that this issue of compliance and enforcement be fully addressed. Toward this end I also urge you to support HB2420 and SB2244, relating to the Hawaii Civil Rights Commission, which would give HCRC this enforcement responsibility.

Hawaii State Government has repeatedly affirmed the right of individuals with disabilities to accessible information. Please take that additional step to ensure that these rights are in fact addressed. Please support SCR4 / SR3.

Thank you.
Rod Macdonald, MA LHD