



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/31/2023

Time: 02:00 PM

Location: 309 VIA VIDEOCONFERENCE

Committee: House Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 0388 RELATING TO EDUCATION.

Purpose of Bill: Adopts the National Instructional Materials Accessibility Standard. Requires the department of education to obtain instructional materials in accessible formats for eligible students.

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of HB 0388 and respectfully offers comments related to the Department obtaining instructional materials in accessible formats for eligible students.

Providing appropriate instructional materials for all students, including accessibility to appropriate instructional materials for students with disabilities is a high priority of the Department.

The Department has adopted the National Instructional Materials Accessibility Standard (NIMAS) and coordinates with National Instructional Materials Access Center (NIMAC) to provide accessible instructional materials for students with Individualized Education Programs (IEP).

The Department respectfully requests that the definition of Print Instructional Materials, SECTION 1 (2)(a) p. 4, lines 9-13 be edited to align with the Federal definition:

- "Print instructional materials" means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction by students in the classroom. [674(e)(3)(C)].

Currently, schools work with their District Resource Teacher of the Visually Impaired to receive the needed materials in accessible formats whether it is large print, Braille, tactile maps, or graphs etc. For all other accessible materials such as articles, handouts, posters, etc., the Resource Teachers of the Visually Impaired will produce the

materials as requested.

In the spirit of continuous refinement, student personalization, and innovation with instructional materials, the Department respectfully suggests additions to SECTION 2 (c)(2) Page 6, following Line 13 to insert:

- (3) In the event where there may be new or innovative start-up instructional materials that meet content area needs, and where the company, or a locally based publisher, who may not yet have the resources to comply with this requirement, the Department may purchase materials as a pilot for up to one calendar year. In these situations the Department will continue to provide eligible students with access to appropriate instructional materials to meet individual needs.
- (4) When determining appropriate instructional materials, the Department may consider alternative materials for students. Such a decision shall include appropriate stakeholders.

The Department has created guidance with a Curriculum Management System and Instructional Materials Approval Process. This process is for the Department's State reviews, Complex Area reviews, and school reviews of high-quality instructional materials. The materials review criteria include equity and civil rights expectations during the materials review or purchase consideration, including whether the needs of students with disabilities are addressed. All instructional materials must comply with Federal, State, Hawaii State Board of Education, and Department rules, policies, and laws, which strictly prohibit any form of discrimination based upon a protected class. There are also additional criteria for digital materials.

The Department is committed to ensuring all students have access to high quality instructional materials.

Thank you for the opportunity to provide testimony on HB 0388.

Testimony of James Gashel
Submitted for National Federation of the Blind of Hawaii
Before the Committee on Education (EDN)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
January 31, 2023, 2:00 PM, hearing on HB388

Good afternoon chair, vice chair, and members. I am James Gashel, representing the National Federation of the Blind (NFB) of Hawaii, proudly supporting HB388 on behalf of people with print disabilities and especially our blind and visually impaired keiki in elementary and secondary school. Thank you for introducing this bill and for scheduling this hearing.

HB388 is all about books, but it's actually about much more. Let's say equal access to learning. I think when you can see ok you just assume the books, handouts, and other things you need will just be made available when your teachers want you to read them; no real fuss, no struggle. These are ordinary expectations, nothing at all unusual.

Imagine if you were blind or couldn't see enough to read standard print. You would find that the normal expectation, that books and other learning tools other students get automatically, don't apply to you as they do to others. The normal expectation, that materials and equipment you need will be timely provided should apply, but too often the normal expectations aren't fulfilled or aren't fulfilled without a struggle. This is not as it should be.

The book industry, the classrooms, the world in general, relies on print as a primary means to communicate. What happens to keiki who can't read print? What should the law say schools should do to overcome this so these students aren't just left out? When signed into law, this bill will help to give an answer to these children and their parents.

Right now our state law has only one requirement on this subject. Print book publishers are supposed to give the schools a computer disk with electronic text in ascii format so schools can make Braille books for children who need them. Clear enough, but federal law and technology have changed. Our state law, ok when passed, is as obsolete as computer disks are obsolete.

Here's the way it is supposed to work: The American Printing House for the Blind in Louisville, Kentucky has been designated as a central repository for electronic copies of all elementary and secondary school books. States participate in this program and get books free if they require publishers to deposit electronic files with the Louisville Printing House.

Virtually all states participate and require their book sellers to provide accessible electronic files, meeting the U. S. Secretary of Education's National Instructional Materials Accessibility Standard. This is light years different from requiring ascii text on floppy disks.. I believe Hawaii Does get books through the federal program and has registered 162 school-age eligible keiki as of January 2020. Not sure of the current number. Regardless of that, our state law has never been updated to repeal the computer ascii disk requirement and adopt the National

Instructional Materials standard as made a state option under the federal Individuals with Disabilities Improvement Act of 2004.

Changes to the U. S. Copyright law were made in 2018, making it clear that book publishers and schools can provide electronic format books to students without getting specific permission from copyright owners. However, this only applies when electronic format books are provided to students with print disabilities, making them eligible persons. Not all students are eligible persons under the Copyright exception, and schools need to be very careful about that or are at legal risk if they don't. Does Hawaii maintain clear documentation of which students are eligible persons under the copyright exception if asked? I don't know, but our state law should require this.

Things have changed in the classroom since you and I were in school. Use of online learning and other tools for technology mediated instruction are replacing exclusive use of hard copy books. Our law on accessible instructional materials should acknowledge the trend toward use of computers and not just books in order to remain relevant to students' and teacher's needs. HB388 has provisions that speak to this and should be passed.

Once again, this bill is all about access to learning for children whose particular needs must be considered outside the normal materials procurement process. No one, least of all our teachers and school personnel, wants to overlook these needs. Convenient and readily accessible learning is good for everyone in our community; the students and their parents, of course, but think about our businesses and employers who need a capable workforce going forward. When classrooms and learning tools are not accessible to students with print disabilities, our entire community suffers the consequences and pays the price for lost opportunity and lost productivity.

Mahalo for considering HB388. Members of the NFB of Hawaii strongly support this bill and hope you will too. Everybody wins, there are absolutely no losers, when we share the value of equal access to learning.

HB-388

Submitted on: 1/30/2023 11:07:17 AM

Testimony for EDN on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

We support this bill.

HB-388

Submitted on: 1/28/2023 6:38:50 AM

Testimony for EDN on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joel Cho	Individual	Comments	Written Testimony Only

Comments:

Aloha Chair and Committee,

As a blind resident of Hawaii, I am very pleased to see our legislators moving forward with this very important bill so early in this year's session. Standards set forth by this bill are 18 years in the making and will give Hawaii's eligible persons an even playing field and the competitive advantage that they deserve as they move forward in their own individual educational journeys.

This really is a "feel good bill" and its passage will certainly change lives for the better.

Mahalo,

Joel Cho

HB-388

Submitted on: 1/28/2023 3:19:33 PM

Testimony for EDN on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

These people Need to go Back to School them selves!!!!

HB-388

Submitted on: 1/29/2023 6:27:53 PM

Testimony for EDN on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Lemke	Individual	Support	Written Testimony Only

Comments:

I wish to submit this written testimony in support of HB388. This legislation will update our state's process for procuring and providing instructional materials and technology to blind and visually-impaired students. This will align our state's practices with accepted national standards. Materials should be provided at the same time as materials available to classmates and must be in the form most relevant for the instruction of the individual student. This includes textbooks, handouts, posters and charts, diagram and other instructional aids. This includes access to any technology needed to fully use these materials. I am a retired blind community college counselor. I worked at WCC for over 14 years. I was in a position to know whether blind or visually-impaired students were academically prepared for college. Most were especially deficient in math and science and had weak composition and weak oral presentation skills. Supporting the learning resource needs of these students while they are in the Knowledge-12 swithstem increases the likelihood that these young people will be ready for college or other training programs. I should point out that Hawaii doesn't have to re-invent the wheel. We merely need to be ready to move into the 21st century.

Brandon Young

1/28/2023

Hearing notice on HB388

HOUSE OF REPRESENTATIVES THE THIRTY-SECOND LEGISLATURE REGULAR
SESSION OF 2023

COMMITTEE ON EDUCATION

Rep. Justin H. Woodson, Chair Rep. Lisa Marten, Vice Chair

Rep. Jeanne Kapela Rep. Rose Martinez Rep. Scot Z. Matayoshi Rep. Amy A. Perruso

Rep. Sean Quinlan Rep. Chris Todd

Rep. Diamond Garcia

DATE: TIME: PLACE:

NOTICE OF HEARING

Tuesday, January 31, 2023 2:00 PM

VIA VIDEOCONFERENCE Conference Room 309

State Capitol

[415 South Beretania Street](#)

Dear Chair Woodson and others,

My name is Brandon Young and I am testifying in support of HB 388. This bill is important to the lives of blind students in our K-12 educational system. The goal of the National Federation of the Blind of Hawaii is to make sure that blind students in our educational system are getting their textbooks and other materials in a timely manner and in a format that they can use so that they can participate in the classroom with their sighted peers. The technology which is stated in the current law is severely out of date and needs an update. I would hope that you would support this measure and pass the bill along. Thank you for your time in hearing our bill.

Testimony of Virgil Stinnett

Before the Committee on Education (EDN)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

January 31, 2023, 2:00 PM, hearing on HB388

Good afternoon chair, vice chair, and members. My name is Virgil Stinnett, President of the National Federation of the Blind of Hawaii, strongly supporting HB388. I am a blind businessman in Hawai'i.

Thank you for taking the time to hear and consider supporting this important bill on behalf of people with print disabilities and especially our blind and visually impaired keiki in elementary and secondary school.

Things have evolved since we were in school and must keep up with current technology and classroom techniques of learning for all students. Too often our print disabled, blind and low vision students do not receive their material at the same time their sighted peers do, leaving them behind, with the potential of their not passing into their next grade with their peers.

Our law on accessible instructional materials should acknowledge the trend toward use of computers and not just books in order to remain relevant to students' and teacher's needs. HB388 has provisions that speak to this and should be passed.

This bill is an important update, ensuring access to learning for children whose particular needs must be considered outside the normal materials procurement process. No one, least of all our teachers and school personnel, wants to overlook these needs. Convenient and readily accessible learning is good for everyone in our community; the students and their parents, of course, but think about our businesses and employers like myself, who need a capable workforce regardless of disability, rather employees that are qualified to do the work. We must build our future with our Keki's education, experience and timely accessible educational materials. We all pay the price for lost opportunity and lost productivity.

Mahalo for considering supporting HB388, there are absolutely no losers, when we share the value of equal access to learning

Mahalo and Aloha, Virgil Stinnett

HB-388

Submitted on: 1/30/2023 7:10:55 AM

Testimony for EDN on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emerie Mitchell-Butler	Individual	Support	In Person

Comments:

Testimony of Emerie Mitchell-Butler
Before the Committee on Education (EDN)
Hawaii State House of Representatives
Thirty-Second Legislature, Regular Session of 2023
January 31, 2023, 2:00 PM, hearing on HB388

Good afternoon chair, vice chair, and members. I am Emerie Mitchell-Butler, testifying in support of HB388. I am a blind student at Kalaheo High School and a member of the National Federation of the Blind of Hawaii. This bill, relating to accessible instructional materials, is important to me, and I want to tell you why.

As a sighted person taking a high school class, you would enter the class and receive all materials in the format that you can read. You'll even get the textbook you'll use all year on the first day of class. But I am not sighted. I am a blind junior at Kalaheo High School, and this year, I decided to take Advanced Placement Biology and trigonometry, as many others at my school have done. I arrived in class the first day of school; the other students got their print volumes, but I got nothing. In AP Biology, specifically, my peers read many chapters which were all supplemented by diagrams, charts, and graphs. I did not receive my book until January 2023, just four months before the AP exam is scheduled (May 10th, 2023). My peers will have had over nine months to prepare using their textbook, while I will only have four months. This is not only a question of my right to learn along with my peers, but also a question of dollars and cents. My inability to pass the AP Exam could cost me hundreds of dollars I could have otherwise saved.

Imagine if you were blind or couldn't see enough to read standard print. You would find that the normal expectation, that books and other learning tools other students get automatically, don't apply to you as they do to others. The normal expectation, that materials and equipment you need will be timely provided should apply, but too often the normal expectations aren't fulfilled or aren't fulfilled without a struggle. This is not as it should be.

The current law in Hawaii is outdated. It requires textbook publishers to provide and electronic file on an ASCII disk to the school system so the textbooks can be produced. Just as ASCII disks are obsolete, the current law is obsolete. There is a system in place in which the school system requires the publisher to provide an current electronic file to the American Printing House for the Blind. Our state does use this system. Regardless of that, our state law has never been updated to repeal the computer ascii disk requirement and adopt the National

Instructional Materials standard as made a state option under the federal Individuals with Disabilities Improvement Act of 2004. Something is wrong with the current law. It needs to be changed to get our students with print disabilities the instructional materials they need to be successful in the classroom. This is the point of HB388.

Thank you for considering HB388. I ask that you please support passage of this bill.

Emerie Mitchell-Butler

Testimony of Katie Keim

Before the Committee on Education (EDN)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

January 31, 2023, 2:00 PM, hearing on HB388

Good afternoon chair, vice chair, and members. My name is Katie Keim, a member of the National Federation of the Blind of Hawaii, strongly supporting HB388. I am a blind businesswoman in Hawai'i.

Thank you for taking the time to hear my testimony and consider supporting this important bill for people with print disabilities and especially our blind and visually impaired keiki in elementary and secondary school. Education material in classrooms has evolved yet technology and classroom techniques for our print disabled and blind students has not always kept up. It must evolve to keep up with teaching techniques used for all students, not just some. Too often our print disabled, blind and low vision students do not receive their material at the same time their sighted peers do, leaving them behind, with the potential of their not passing into their next grade with their peers. Once behind, it is a long uphill battle to catch up.

Our law on accessible instructional materials should acknowledge the trend toward use of computers and not just books in order to remain relevant to students' and teacher's needs. HB388 has provisions that speak to this and should be passed.

This bill is a simple, but critical update, ensuring access to learning for children whose particular needs must be considered outside the normal materials procurement process. No one, least of all our teachers and school personnel, wants to overlook these needs. Convenient and readily accessible learning is good for everyone in our community; the students and their parents, of course, but think about our businesses and employers like myself, who need a capable workforce regardless of disability, rather employees that are qualified to do the work. We must build our future with our Keki's education, experience with timely accessible educational materials. We all pay the price for lost opportunity and lost productivity.

Mahalo for considering supporting HB388, there are absolutely no losers, when we share the value of equal access to learning

Mahalo nui loa, Katie Keim

Testimony of Hoku Burrows

Before the Committee on Education (EDN)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

January 31, 2023, 2:00 PM, hearing on HB388

Good afternoon chair, vice chair, and members. My name is Hoku Burrows a member of the National Federation of the Blind of Hawaii, strongly supporting HB388. I am a blind woman in Hawai'i.

Thank you for taking the time to hear my testimony and consider supporting this important bill for people with print disabilities and especially our blind and visually impaired keiki in elementary and secondary school. Education material in classrooms has evolved yet technology and classroom techniques for our print disabled and blind students has not always kept up. It must evolve to keep up with teaching techniques used for all students, not just some. Too often our print disabled, blind and low vision students do not receive their material at the same time their sighted peers do, leaving them behind, with the potential of their not passing into their next grade with their peers. Once behind, it is a long uphill battle to catch up.

I stand in support of the testimony submitted by the National Federation of the Blind of Hawai'i.

Mahalo nui loa for your consideration and time today regarding HB388 and our Keiki.

Testimony of Donald Sakamoto
Submitted to Committee on Education (EDN)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
January 31, 2023, 2:00 PM, hearing on HB388

Good afternoon chair, vice chair, and members. I am Donald Sakamoto, proudly supporting HB388 to help people with print disabilities in school. I am blind so I'm speaking from first-hand experience. Mahalo for introducing this bill and for scheduling this hearing.

HB388 is all about books and much more. Think about equal access. You can't have equal learning if you don't have equal access to the same learning tools others have.

Imagine if you were blind or couldn't see enough to read standard print. What happens to keiki who can't read print? What should the law say schools should do to overcome this so these students aren't just left out? When signed into law, this bill will help to give an answer to these children and their parents.

The American Printing House for the Blind in Louisville, Kentucky is a place to go for schools to get electronic copies of all elementary and secondary school books. States participate in this program and get books free if they require publishers to deposit electronic files with the Louisville Printing House.

Most states require publishers to provide accessible electronic files, meeting the U. S. Secretary of Education's National Instructional Materials Accessibility Standard. Hawaii has registered 162 school-age eligible keiki for books from the American Printing House as of January 2020. Not sure of the current number. Our state law has not been updated to adopt the National Instructional Materials standard.

Things have changed in the classroom since I was there. Online learning tools are replacing printed hard copy books. Our law on accessible instructional materials should acknowledge the trend toward use of computers and not just books in order to remain relevant to students' and teacher's needs. HB388 speaks to this too.

One thing I know for sure: no one, least of all our teachers and school personnel, wants to overlook the needs of students with print disabilities. Everybody wins, there are no losers, with passage of HB388. Mahalo for considering this bill this year. Members of the NFB of Hawaii strongly support this bill and hope you will to.

HB-388

Submitted on: 1/30/2023 10:38:32 AM

Testimony for EDN on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stan Young	Individual	Support	Written Testimony Only

Comments:

Testimony of Stan Young
Submitted to Committee on Education (EDN)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
January 31, 2023, 2:00 PM, hearing on HB388

Good afternoon chair, vice chair, and members. I am Stan Young, proudly supporting HB388 one hundred percent to help people with print disabilities in school. Blind myself, I know about this problem. Mahalo for introducing this bill and for scheduling this hearing.

HB388 will help to make learning tools accessible to our keiki in school who can't see enough to read ordinary print.

Think about the situation if you were blind in school. Everyone's books are in print but you can't read them. When signed into law, this bill will help to solve this problem.

Our state law is very far out of date. I'm sure the teachers and school leaders want to do a good job for their students. They may say they already do everything this bill requires. If they do, then no one should be opposed to HB388. In fact, I just can't imagine anyone being against this bill.

There are no losers when learning tools are more accessible. Mahalo for considering this bill this year.

HB-388

Submitted on: 1/30/2023 11:08:37 AM

Testimony for EDN on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alec Marentic	Individual	Support	Written Testimony Only

Comments:

I support the intent of this bill.

Testimony of Leilani Borsa
Submitted to Committee on Education (EDN)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
January 31, 2023, 2:00 PM, hearing on HB388

Good afternoon chair, vice chair, and members. I am Leilani Borsa, strongly in support of HB388. I attended school here in Hawaii not too many years ago, so I can speak to this bill from my personal experience. Please do all you can to move this bill forward, and mahalo for introducing it.

HB388 will help to make learning tools accessible to our keiki in school who can't see enough to read ordinary print.

Think about the situation if you were blind in school. Everyone's books are in print but you can't read them. That was the exact situation I faced. When signed into law, this bill will help to solve this problem.

Our state law is very far out of date. I'm sure the teachers and school leaders want to do a good job for their students. They may say they already do everything this bill requires. If they do, then no one should be opposed to HB388. In fact, I just can't imagine anyone being against this bill.

There are no losers when learning tools are more accessible. Mahalo for having this hearing and considering HB388. I can think of no higher priority than to pass this bill this year.

HB-388

Submitted on: 1/30/2023 12:41:43 PM

Testimony for EDN on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tabatha Mitchell	Individual	Support	In Person

Comments:

I am writing to express my extreme desire for support of HB388. My daughter is blind. She reads & writes with Braille. Printed pages are nothing short of invisible ink to her. She is unable to use standard printed textbooks and other classroom materials due to childhood blindness caused by a rare disease that she inherited. What happened to my daughter, could happen to any child being born.

Of our 5 children, she is the only one that is blind; but, she is an honor student just like her brother & sisters before her. She attends the same public school as her siblings, and like her siblings, as a HS Jr., she's busy building her resume for all of those college applications.

My daughter's path to being an honor student that happens to be blind has been fraught with challenges. Way more complicated than the life of her sighted siblings and her sighted peers. I essentially had to leave my career in pharmaceutical development & research in order to have enough time to be able to learn Braille to be able to make Braille books with tactile materials to be able to teach my daughter. The strain on our family was immense.

When she was learning to brush her own teeth as a toddler, we learned a crucial lesson in parenting a blind child. She was just as capable of doing the same things as her brother & sisters AS LONG AS and only if she could receive instruction "in her language". And her preferred language was clearly the language of touch, which meant she needed hands-on training with actual tools/materials very similar to on-the-job training.

That also meant Braille materials, and hands-on examples/materials or tactile diagrams in the classroom. Things she can touch. It is a necessity. It is not a "nice to have" or "good to do". It is a crucial necessity. It is how kids that are blind intake information and learn the skills necessary to be contributing members of our society. Please recognize this crucial need for materials that are accessible for blind students and help us ensure that our blind children receive an equitable education to their sighted peers.

HB-388

Submitted on: 1/30/2023 1:46:33 PM

Testimony for EDN on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stacie Fong	Individual	Support	Written Testimony Only

Comments:

Good afternoon chair, vice chair, and members. I am a proud parent of a blind 9 year old at Waikiki Elementary, proudly supporting HB388 on behalf of people with print disabilities and especially our blind and visually impaired children in elementary and secondary school. Thank you for introducing this bill and for scheduling this hearing as it means so much to myself and my daughter.

Waikiki Elementary strives at providing all its students an education based on mindfulness and inclusion for all its children. We've been lucky thus far to be at such a great school with teachers who work so hard to make sure my daughter receives most of her assignments at the same time as other students.

However, there are some instances where she doesn't have access to the same materials as other students, and is either just not included at the time or left behind, having to catch up later, or given an entirely different assignment! This isn't fair to her or the other students, and many times isn't the teacher's fault, but rather lack of access to these materials ahead of time.

Also, when there are "library visit" days, sometimes my daughter either only has a small basket to choose from or is excluded from these visits because there isn't enough braille material for her ahead of time! This is just unacceptable. She already is so blatantly different from all the other kids, that to have her excluded from doing the same things as her classmates at the same time, or taken out of an activity just because there's no braille for her, is truly heart breaking.

All we're asking is for an equal chance to be included. This is so important for kids at any age, but to not be able have it be because of a lack of being provided the materials necessary, is definitely something we need your help to change.

I plead for all your help in supporting this bill, but just for my daughter's sake, but for her school, her teachers, and her classmates who already strive to make her feel included and her future in Hawaii's public education system.

Thank you so much,

Stacie Fong