



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

Date: 02/23/2023

Time: 10:00 AM

Location: 308 VIA VIDEOCONFERENCE

Committee: House Finance

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 0388, HD1 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. Effective 7/1/3000. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of HB 388, HD1, 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).

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.

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 388, HD1.

HB-388-HD-1

Submitted on: 2/22/2023 8:44:14 AM

Testimony for FIN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stan Young	Hawaii State committee of Blind Vendors	Support	Written Testimony Only

Comments:

Almost all educational materials are now produced digitally. So, it would be adaptable to provide accessible (digital) format for print disabled individuals to use technology to access and read these materials.



DISABILITY AND COMMUNICATION ACCESS BOARD

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February 23, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

House Bill 388 HD 1 – Relating to Education

The Disability and Communication Access Board (DCAB) supports House Bill 388 HD 1 – Relating to Education. This bill would adopt the National Instructional Materials Accessibility Standard (NIMAS) to provide for the timely availability of accessible instructional materials and technology for eligible students.

For some students who are blind or have other print disabilities, printed instructional materials are a barrier to their participation in the general education curriculum. Some students with print disabilities need instructional materials that are converted into accessible formats to learn the same curriculum that is being taught to other students in their class.

This bill would improve equity and inclusion in our education system by adopting NIMAS, which is designed to maximize the access students who are blind or have other print disabilities have to the general education curriculum.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

Testimony of James Gashel
Submitted for National Federation of the Blind of Hawaii
Committee on Finance (FIN)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
February 23, 2023, 10:00 AM, hearing on HB388 H.D.1

Good morning chair, vice chair, and members. I am James Gashel, representing the National Federation of the Blind (NFB) of Hawaii, proudly supporting HB388 H.D.1 on behalf of people with print disabilities and especially our blind and visually impaired keiki in elementary and secondary school. Thank you 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.

Right now, our state law has only one requirement on this, but, as noted in the Education Committee report, the present state law is far out of date. According to the report: "Your Committee further finds that existing state law pertaining to instructional materials for exceptional children requires publishers to meet provisions that are now out of date and undesirable due to advances in technology. Your committee believes that a revision is needed to harmonize and integrate the existing federal law and practice with state law, including allowing for technological advancements that make more instructional materials available in appropriate accessible formats for exceptional children."

HB388 H.D.1 is written to take advantage of federal law provisions pertaining to accessible instructional materials. The accessible electronic books provided through this program are available free of charge, so no cost to the Department of Education or the taxpayers by passing this bill.

In fact, the cost, if there were a cost, would be in failing to pass this bill, leaving our blind keiki behind in school and then behind later in life. Buying books for students in public education is a public good, which applies to students whether they can see to read print books or whether they need another accessible format.

Mahalo for considering HB388 H.D.1. 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-HD-1

Submitted on: 2/21/2023 11:32:51 AM

Testimony for FIN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl B.	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill which adopts the National Instructional Materials Accessibility Standard. Requires the department of education to obtain instructional materials in accessible formats for eligible students. My question to the committee would be: where is the accountability to know that this has been done and what is the procedure for such accountability? Often things get lost in the system.

HB-388-HD-1

Submitted on: 2/21/2023 4:39:45 PM

Testimony for FIN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Clifford Miyashiro	Hoopono	Support	Written Testimony Only

Comments:

HB388 H.D.1 is written to take advantage of federal law provisions pertaining to accessible instructional materials. The accessible electronic books provided through this program are available free of charge, so no cost to the Department of Education or the taxpayers by passing this bill.

Mahalo for considering HB388 H.D.1. 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-HD-1

Submitted on: 2/21/2023 7:35:03 PM

Testimony for FIN on 2/23/2023 10:00:00 AM

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

Comments:

Honorable committee chair, vice chair and members,

I wish to state my support for HB388. Not only do we need to align our state's statutes with federal practices for children who are blind or visually impaired, but we must recognize that these young people need textbooks and accessible instructional materials such as handouts as their sighted classmates receive. These books and materials need to be accessible and timely.

I am a retired postsecondary counselor. It was often my experience that blind or visually-impaired young people arrived to college with weak skills. We can demonstrate our high expectations for these young people by simply doing what we do for every other student; i.e., providing them books and materials they can use when they need them.

Brandon Young

2/21/2023

Committee on Finance (FIN)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
February 23, 2023, 10:00 AM, hearing on HB388 H.D.1

Dear Chair and committee members,

My name is Brandon Young, and I am member of the National Federation of the Blind of Hawaii Honolulu Chapter. I am submitting testimony in support of HB 388 HD 1. This bill is very important to me and the other blind people in Hawaii. I would hope you and your committee would take the time to review our measure and pass it along. This bill will help blind students to be able to participate fully in our educational system. Currently, blind and visually impaired students do not get their books in alternate formats at the same time as their sighted peers. This needs to change.

This bill that we are submitting will help blind and visually impaired students in our Department of Education system. I will give you a little of my personal story as it relates to this bill. I went through the DOE system as a visually impaired child and graduated in 2002. The current law uses standards that were established before the invent of the Internet. We ask that this bill will be updated to hold the Department of Education to get books and other information on time for the blind and visually impaired students just like they do for the sighted students. It is not acceptable for a student to wait several months to get their books in braille when the other students get their books at the beginning of the school year. I want to thank you for your time and scheduling our bill with your committee. I again urge that you pass this bill forward so that it will continue onward to the other house at the legislature. This bill is very important to me and many other blind people here in Hawaii.

HB-388-HD-1

Submitted on: 2/21/2023 11:43:34 PM

Testimony for FIN on 2/23/2023 10:00:00 AM

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

Comments:

Aloha members of the Finance Committee. I applaud the great work of the House Committee on Education with regard to instructional materials for our blind keiki in Hawaii. I am here to express my extreme desire for support of HB388 H.D.1.

My daughter is blind. She reads & writes with Braille. Printed pages and posters throughout her classrooms are nothing short of invisible to her. She is unable to use standard printed textbooks and other classroom materials due to early onset 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 is very 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. Braille baby board books were non-existent at our public library & local bookstores. 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 stickers on our light switches & bathtubs instead of printed words. Hands-on examples/materials & 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.

Please support HB 388 H.D.1. to help our wonderful teachers & dedicated administrators receive the accessible materials our blind keiki need in their classrooms.

HB-388-HD-1

Submitted on: 2/22/2023 7:08:59 AM

Testimony for FIN on 2/23/2023 10:00:00 AM

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

Comments:

Testimony of Emerie Mitchell-Butler
Committee on Finance (FIN)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
February 23, 2023, 10:00 AM, hearing on HB388 H.D.1

Good morning 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 extremely important and relevant to me.

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. The current law in Hawaii is outdated. It requires textbook publishers to provide an 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 a 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.

Also consider the success of me and other students. If we are well educated with all the materials we need, I think we'll be more likely to be productive members of the workforce when we grow up. Many of the classes I didn't receive materials for, received materials late, or had to fight very hard for materials, are classes that are required or highly recommended for college admission. While higher education isn't the path for everyone, it generally increases wages over a person's

life, and makes it easier for them to get a job they want.

Thank you for considering this bill. There is no reason HB388 shouldn't be passed, as it benefits everyone. I ask that you please support passage of this bill.

Emerie Mitchell-Butler

Testimony of Virgil Stinnett

Committee on Finance (FIN)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

February 23, 2023, 10:00 AM, hearing on HB388 H.D.1

Good morning chair, vice chair, and members. My name is Virgil Stinnett, President of the National Federation of the Blind of Hawaii, strongly supporting HB388 H.D.1. 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 H.D.1 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 H.D.1 there are absolutely no losers, when we share the value of equal access to learning

Mahalo and Aloha, Virgil Stinnett, President NFB of Hawai'i

Testimony of Hoku Burrows

Committee on Finance (FIN)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

February 23, 2023, 10:00 AM, hearing on HB388 H.D.1

Good morning chair, vice chair, and members. My name is Hoku Burrows a member of the National Federation of the Blind of Hawaii, strongly supporting HB388 H.D.1. 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 H.D.1 and our Keiki.

Testimony of Katie Keim

Committee on Finance (FIN)

Hawaii State House of Representatives

Thirty-second Legislature, regular session of 2023

February 23, 2023, 10:00 AM, hearing on HB388 H.D.1

Good morning chair, vice chair, and members. My name is Katie Keim, a member of the National Federation of the Blind of Hawaii, strongly supporting HB388 H.D.1. 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.

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 H.D.1. There are absolutely no losers, when we share the value of equal access to learning

Email: cylonone@aol.com

Testimony of Donald Sakamoto
Member, National Federation of the Blind of Hawaii
Committee on Finance (FIN)
Hawaii State House of Representatives
Thirty-second Legislature, regular session of 2023
February 23, 2023, 10:00 AM, hearing on HB388 H.D.1

Good morning chair, vice chair, and members. I am Donald Sakamoto , a member of the National Federation of the Blind (NFB) of Hawaii, in full support of HB388 H.D.1 especially, for those individuals with print disabilities and our blind and visually impaired children .

HB388 allows a chance for all individuals that are children who are blind or visually impaired in our schools to access the same printed materials such as books, handouts, and other things equally with ease as the same with their sighted classmates.

Our state definitely needs to prepare now to have the technology available in place to have equal access materials for all of these individuals who are experiencing with print disabilities and especially for our blind and visually impaired children. Famous “by failing to prepare, you are preparing to fail” by Benjamin Franklin.

Mahalo for considering HB388 H.D.1, and let’s prepare to do the right thing and “Go For Broke: and approve this bill to proceed forward.

HB-388-HD-1

Submitted on: 2/22/2023 7:40:16 PM

Testimony for FIN on 2/23/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry in SUPPORT of HB 388 Relating To Education.