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STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 11, 2024

TO: The Honorable Representative Della Au Belatti, Chair
House Committee on Health & Homelessness

The Honorable Representative Lisa Marten, Chair
House Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: **SB 3290 SD2 – RELATING TO AMERICAN SIGN LANGUAGE.**

Hearing: March 12, 2024, 9:00 a.m.
Conference Room 329, State Capitol & Video Conference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill and defers to the Disability and Communication Access Board and the Department of Health.

PURPOSE: This bill requires the Disability and Communication Access Board to convene a working group to study the state of American Sign Language in Hawai'i. Requires the working group, with the assistance of the Department of Health, to submit a report to the Legislature.

(SD2)

The Committee on Human Services (SD1) amended the measure by:

- (1) Removing the Department of Human Services Division of Vocational Rehabilitation as a co-convenor of the working group;
- (2) Removing the representative from the Department of Human Services Division of Vocational Rehabilitation as a co-chairperson of the working group;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

The Committee on Ways and Means (SD2) amended the measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

DHS appreciates the amendments of the Committee on Human Services and recognizes the critical service that American Sign Language (ASL) interpreters provide to deaf, hard of hearing, deaf-blind, and hearing individuals. A representative from DVR will serve on the proposed working group to study the state of ASL in Hawaii.

Thank you for the opportunity to provide testimony on this measure.



DISABILITY AND COMMUNICATION ACCESS BOARD

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

March 12, 2024

TESTIMONY TO THE HOUSE COMMITTEES ON HEALTH AND HOMELESSNESS, AND ON HUMAN SERVICES

Senate Bill 3290 SD2 – Relating to American Sign Language

The Disability and Communication Access Board (DCAB) supports Senate Bill 3290 SD2 – Relating to American Sign Language.

This bill requires the Disability and Communication Access Board to convene a working group to study the state of American Sign Language (ASL) in Hawaii. It also requires the Department of Health to assist the working group in the preparation of a report to submit to the Legislature.

The impetus behind this bill is concern with the low number of certified ASL interpreters in Hawaii. It is vital to have members of the deaf community appointed to the working group to have their perspective. Therefore, we suggest the following amendments to section 2 of the bill.

SECTION 2. (a) The disability and communication access board shall convene a working group to:

- (1) Study the state of American Sign Language interpreting in Hawaii; and
- (2) Investigate and study any means, methods, processes, or systems that might improve the provision of American Sign Language services in the State.
- (b) The working group's membership shall include the following members:
 - (1) A representative from the disability and communication access board, who shall serve as chairperson of the working group;
 - (2) A representative from the department of human services division of vocational rehabilitation;
 - (3) A representative from the department of education;
 - (4) A professor from the university of Hawaii who teaches American Sign Language;
 - (5) A member of the deaf and blind task force;
 - (6) An individual who currently serves as an American Sign Language interpreter, who shall be invited by the chairperson of the working group; ~~[and]~~
 - (7) Two deaf individuals who shall be invited by the chairperson of the working group; and
 - (8) Additional representatives invited by the chairperson of the working group.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW
Executive Director



HAWAI‘I CIVIL RIGHTS COMMISSION **KOMIKINA PONO KIWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Tuesday, March 12, 2024

9:00am

Conference Room 329 & Videoconference
State Capitol, 415 South Beretania Street

To: The Honorable Della Au Belatti, Chair
The Honorable Jenna Takenouchi, Vice Chair
Members of the House Committee on Health & Homelessness

The Honorable Lisa Marten, Chair
The Honorable Terez Amato, Vice Chair
Members of the House Committee on Human Services

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

Re: S.B. 3290 SD2

The Hawai‘i Civil Rights Commission (HCRC) supports the intent and offers these comments on S.B. 3290 SD2, which Requires the Disability and Communication Access Board (DCAB) and Department of Human Services Division of Vocational Rehabilitation (DHHS) to convene a working group to study the state of American Sign Language in Hawai‘i.

The HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (section 368-1.5, HRS). 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 has long supported the recognition of the use of American Sign Language (ASL) for individuals in the Deaf Community or individuals who are hard of hearing as its own autonomous language, similar to spoken languages based on ancestry. This measure creates a working group to study the state of ASL in Hawai'i, and investigate means to improve the provision of ASL in our state. Membership in this working group would include individuals with knowledge of the needs of the Deaf Community through experience of working with this Community.

A 2017 study by the National Deaf Center on Postsecondary Outcomes found that Deaf individuals in Hawaii experienced higher levels of unemployment when compared to the national average while being similarly limited in attaining higher levels of education.¹ Understanding the current state of Hawai'i's ASL interpreter workforce through a working group would greatly improve services to individuals in the community who use ASL services.

Thank you for allowing us the opportunity to testify in support of S.B. 3290 SD2 and provide these comments.

¹ National Deaf Center on Postsecondary Outcomes, *Postsecondary Achievement of Deaf People in Hawaii: 2017*, <https://nationaldeafcenter.org/wp-content/uploads/2022/11/Hawaii.pdf> (last accessed March 8, 2024).

SB-3290-SD-2

Submitted on: 3/8/2024 7:04:08 PM

Testimony for HLT on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

We definitely support this measure. It is very true that there exists a shortage of ASL interpreters. While we think that this working group is a good idea we would urge the Committee to review the testimony submitted by Jan Fried before the Senate Committee on Health and Human Services. In it she suggests some specific ways in which we can increase the number of ASL interpreters. That includes offering more ASL classes in K-12 schools and relaunching the ASL/English Interpreter Education program previously offered at Kapiolani Community College.

While the working group might look at these anyway, we think that specifying these concrete measures in the bill for the working group to consider would be advisable and would increase the likelihood of its inclusion in the Report that is ultimately prepared by the group for the legislature.

SB-3290-SD-2

Submitted on: 3/10/2024 5:09:17 PM

Testimony for HLT on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Shimizu	Individual	Support	Written Testimony Only

Comments:

Dear Honorables Representative Belatti (Chair), Representative Takenouchi (Vice Chair) and Members of the Health & Homelessness (HLT); Representative Marten (Chair), Representative Amato (Vice Chair) and Members of the Human Services (HUS); Representative Yamashita (Chair), Representative Kitagawa (Vice Chair) and Members of the Finance (FIN):

I am writing to strongly support SB 3290 SD2 to set up a working group to be run by DCAB to study why Hawai'i has such a shortage of ASL interpreters on all of the islands and what can be done to increase the number of interpreters. Currently, there is no consensus as everyone is separated, so let's get people together and figure out a solution together. Recently we have had qualified Deaf people hired in specific roles as listed in Section 2 (b), so please approve this study and this will provide the way and means for the members of the working group to convene for the betterment of ASL interpreters and Deaf and DeafBlind in Hawai'i.

On Oahu, where I live, we only have 20 ASL interpreters as explained by Justin Tokioka that completed their DCAB's Hawai'i State Sign Language Interpreter Credentials and this is not enough when I have to visit the doctor, realtor, lawyer or other personal business. The neighboring islands are in even more dire straits with only 4 on Maui, 3 on the Big Island and none in Kauai, while 4 are out of state and does video remote interpreting or interpret when they visit Hawai'i.

As you can understand, just a total of 31 DCAB Hawai'i State Sign Language Interpreter Credentials for approximately 13,097 to 32,016 Severe Hearing Loss (Deaf and Hard of Hearing) from Oahu, Big Island, Maui and Kauai according to the 2011 Hearing Loss Statistics based on Gallaudet Research Institute, we badly need more ASL interpreters. Having interpreters are crucial in emergencies and have been the decisive between life and death for Deaf and DeafBlind people.

Thank you for your support and sincerely,

Sherry Shimizu

Pearl City, Oahu

March 12, 2024

Testimony of Eleanor Macdonald

Submitted to the House Committee on Health & Homelessness, &
Submitted to the House Committee on Human Services

Honorable Representative Della Au Belatti, Chair
Honorable Representative Jenna Takenouchi, Vice Chair, &

Honorable Representative Lisa Marten, Chair
Honorable Representative Terez Amato, Vice Chair

Re: SB 3290 SD2, RELATING TO AMERICAN SIGN LANGUAGE

Dear Chairpersons Belatti, Marten, & Vice-Chairs Takenouchi, Amato and Members,

I would like to enthusiastically support SB 3290 SD2, Relating to American Sign Language.

This important legislation will require the Disability & Communication Access Board (DCAB) to convene a working group to study why there is a shortage of American Sign Language (ASL) interpreters throughout the State of Hawaii especially on the neighbor islands and develop recommendations to rectify this situation. A report to be submitted to the Legislature by 12/31/2024.

People who are deaf, hard of hearing and deaf-blind very often wait 3-4+ weeks to schedule medical procedures or other critical appointments because they are unable to secure an ASL interpreter, computer assisted real time captioner (CART) or a tactile interpreter (ASL interpreter familiar with touch modalities). Some hospitals contract with on-line interpreter services with mainland signers who are not aware of local landmarks, Hawaiian names and the local system of signs unique to our islands.

Please pass this life-saving legislation.

Mahalo for your consideration,

Eleanor Macdonald

March 12, 2024

Submitted to the House Committee on Health & Homelessness, &
Submitted to the House Committee on Human Services

Honorable Representative Della Au Belatti, Chair
Honorable Representative Jenna Takenouchi, Vice Chair, &

Honorable Representative Lisa Marten, Chair
Honorable Representative Terez Amato, Vice Chair

Re: SB 3290 SD2, RELATING TO AMERICAN SIGN LANGUAGE

Dear Chairpersons Belatti, Marten, & Vice-Chairs Takenouchi, Amato and Members,

My name is Kay Naquin. I was a teacher of Deaf and hard of hearing students over thirty years and sign fluently. I currently work as a job coach for Deaf individuals. I am writing in support of SB3290 SD2 Relating to American Sign Language. I have seen the importance of having access to interpreters with students, in health care, and on the job.

In school situations, interpreters are crucial. I remember one of my students trying to take Geometry without an interpreter. He was good at math but he failed. He could not understand the explanations, he could not participate with the class. He tried his best but teaching involves communication. He needed that component. He retook the class with an interpreter and went on to get a college degree in computer programming.

The challenge of finding an interpreter causes delays that can affect their health. Sometimes appointments are delayed several weeks because there is no interpreter. In some health situations, those delays are worrisome. However to go to an appointment without an interpreter or have an interpreter the Deaf individual does not understand can be worse. It is crucial to be understand one's treatment and ask questions from the doctor. An interpreter that knows local signs and culture can be more easily understood than someone from the mainland.

In employment situations, there may be a problem with the way the person is doing the job. If they cannot understand the problem, how can they make corrections? If employment requires a safety training and no interpreter is available, it could affect the employees ability to work safely.

We need to have more interpreters. The study can help.

Sincerely,

Kay Naquin
98-615 Kilinoe St, #6B2
Aiea, Hawaii 96701

SB-3290-SD-2

Submitted on: 3/11/2024 11:06:25 PM

Testimony for HLT on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Elento	Individual	Comments	Written Testimony Only

Comments:

Aloha,

Request for agencies to review and implement SCR195 SD1 (2010).

For sign language, simultaneous communication (sign plus speech), total communication; for individuals who have disabilities and may hear, e.g., Down syndrome and other genetics or autism causing speech difficulties; for students who need mandated services under Sec. 504/Rehab. Act and/or IDEA, HRS 368-1.5 Hawai'i's anti-disability discrimination law to access and benefit from state-funded services and programs; an ASL interpreter may not always be required, rather an individual with sign language proficiency to educate and communicate effectively. Designate authority and MOA's to implement.

https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives8-12.aspx?billtype=SCR&billnumber=195&year=2010

2010: SENATE CONCURRENT RESOLUTION No. 195 S.D. 1

URGING THE DEPARTMENT OF EDUCATION TO INCORPORATE SIGN LANGUAGE AND OTHER COMMUNICATION STRATEGIES DURING INSTRUCTION TO ENHANCE THE LEARNING OF CHILDREN WITH COGNITIVE AND OTHER DISABILITIES.

WHEREAS, the Department of Education has a departmental duty under section 302A-436, Hawai'i Revised Statutes, to provide exceptional children, which includes students with disabilities, residing in the State with instruction, special facilities, and special services for education, therapy, and training to enable them to live normal competitive lives; and

WHEREAS, the Department of Education has studied and made recommendations in the past on ways to improve the development and learning of children with disabilities; and

WHEREAS, the Department of Education submitted a report to the Legislature in 2007 entitled "Educational Implications of the Special Needs of Preschool Age Children with Developmental Disabilities: Report to the 24th Legislature, 2007" that provides the following recommendations:

- (1) The development of a child's communication skills should be an ongoing process that is incorporated into all activities by professionals and by the child's family during the course of the intervention and during all daily activities;
- (2) A total communication program (sign language, oral communication, and visual cues) should be used to facilitate the development of expressive language;
- (3) When using a total communication approach, it is important that the sign language system be one that can be used simultaneously with spoken English (or other language spoken in the home) and that the child receives speech or language therapy to support and enhance speech production and oral communication;
- (4) It is important for parents and professionals to recognize that the use of sign language should not interfere with oral language development; and
- (5) When sign language is included as a communication strategy, it is important that the families, caregivers, and those working with a child learn the same signs and are encouraged to use the signs and that the signs and oral vocabulary being taught have practical, functional, and cultural value to the family; and

WHEREAS, numerous research studies indicate that the use of signs with speech (simultaneous communication) facilitates language development in children with Down's Syndrome and other cognitive disabilities, and the recommendations in the Department of Education's 2007 report outlined above also cite the success of using simultaneous communication; and

WHEREAS, according to the findings and recommendations in the Department's 2007 report, students who are disabled (aside from those who are deaf or hard of hearing) can benefit from learning sign language and having their instruction delivered in sign language or simultaneous communication as part of a total communication program; and

WHEREAS, allowing qualified educational paraprofessionals in the Department of Education who can communicate in sign language to work with children who are disabled and apply the appropriate communication method with these children provides the children with a greater opportunity for learning and language development; and

WHEREAS, educational paraprofessionals can receive instruction from institutions such as Kapiolani Community College, which offers courses in American Sign Language and preparation to work in K-12 settings with children who are deaf, hard of hearing, or disabled; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the State of Hawai'i, Regular Session of 2010, the House of Representatives concurring, that the Department of Education is urged to establish an appropriate level of sign language proficiency for individuals in the Department who provide instruction to children with disabilities that will enable those individuals to incorporate sign language and other communication strategies during instruction to enhance their students' learning; and

BE IT FURTHER RESOLVED that the Department of Education is also urged to facilitate the professional development, training, and preparation of educational personnel, service providers, and other individuals involved with the instruction of children with disabilities, through continuing education or other means, to use the total communication method, simultaneous communication, or sign language during instruction as determined by the child's Individualized Education Plan; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson of the Board of Education, the Superintendent of Education, the Special Education Advisory Council, and the Hawai'i Speech-Language-Hearing Association.

Children with Disabilities; Sign Language; Simultaneous Communication

HLT-HUS 03-12-2024 SB3290 SD2

