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STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
Ka 'Oihana Mālama Mo'ohelu a Kālā
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT

WRITTEN ONLY

TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON EDUCATION
ON
HOUSE BILL NO. 867, H.D. 1

**February 13, 2025
2:00 p.m.
Room 309 and Videoconference**

RELATING TO RECREATIONAL FACILITIES

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 867, H.D. 1: 1) requires all playgrounds located in State parks and on public school grounds to have a minimal set of accessible recreational playground equipment (ARPE) that comply with applicable federal and State laws beginning on June 30, 2030; 2) establishes the ARPE Special Fund (ARPE SF) to be administered by the Department of Land and Natural Resources (DLNR) and sets the only source of revenue to be appropriations made by the Legislature; 3) requires all unencumbered and unexpended funds in the ARPE SF above an unspecified amount to lapse to the general fund at the close of each fiscal year; 4) appropriates an unspecified amount of general funds for FY 26 and FY 27 to be deposited into the ARPE SF; 5) appropriates an unspecified amount of special funds out of the ARPE SF for FY 26 and FY 27 to DLNR to purchase and install ARPE in State parks; and 6) appropriates an unspecified amount of special funds out of the ARPE SF for FY 26 and FY 27 to the Department of Education (DOE) to purchase and install ARPE on DOE public school grounds.

As a matter of general policy, B&F does not support the creation of any special fund, which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 867, H.D. 1, it is difficult to determine whether the proposed ARPESF would be self-sustaining or why the effort cannot be implemented under the general fund appropriation process.

Thank you for your consideration of our comments.



STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
'A'UNIKE MOKU'ĀPUNI NO KA NĀ KĀWAI KULA
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

February 13, 2025

The Honorable Representative Justin H. Woodson, Chair
House Committee on Education
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Woodson and Committee members:

SUBJECT: HB867 HD1 Relating to Recreational Facilities

The Hawai'i State Council on Developmental Disabilities **SUPPORTS HB867 HD1**, which, beginning on 6/30/2030, requires all new playgrounds constructed in state parks and on public school grounds to include accessible recreational playground equipment as part of the recreational apparatuses. Establishes the Accessible Recreational Playground Equipment Special Fund. Appropriates funds. Effective 7/1/3000. (HD1)

This measure is a crucial step in ensuring that all children, regardless of ability, have the same access to recreational opportunities. Accessible play equipment in public spaces is more than just a convenience—it is essential for the dignity, well-being, and full participation of all children. By installing equipment such as wheelchair-accessible swings, we can help break down barriers that prevent children with disabilities from participating in social and recreational activities, which are critical for their development.

The Council appreciates the amendments adopted by the previous Committee which;

- Renamed the special fund to the "Accessible Recreational Playground Equipment Special Fund," emphasizing inclusivity.
- Use the term "accessible recreational playground equipment" in place of "special needs recreational playground equipment," reinforcing the importance of universal access.

The Council appreciates the use of inclusive language because it reinforces the fundamental principle that accessibility benefits all individuals, rather than singling out specific groups. By shifting from "special needs recreational playground equipment" to "accessible recreational playground equipment," the language promotes a more inclusive and empowering narrative. This change helps remove stigma, fosters a sense of belonging, and ensures that playgrounds are designed with universal access in mind, allowing all children—regardless of ability—to participate in recreational activities together.

Thank you for the opportunity to submit testimony in **support of HB867 HD1**.

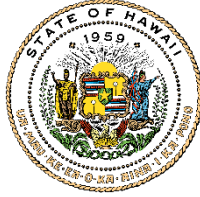
Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus". The signature is written in a cursive style and is contained within a light blue rectangular box.

Daintry Bartoldus
Executive Administrator

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF STATE PARKS
P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committees on
EDUCATION
and
ECONOMIC DEVELOPMENT & TECHNOLOGY

Thursday, February 13, 2025
2:00 PM
State Capitol, Conference Room 309

In consideration of
HOUSE BILL 867, HOUSE DRAFT 1
RELATING TO RECREATIONAL FACILITIES

House Bill 867, House Draft 1, beginning on June 30, 2030, proposes to require all new playgrounds constructed in state parks and on public school grounds to include accessible recreational playground equipment as part of the recreational apparatuses by 6/30/2027, including at a minimum a wheelchair accessible swing set, and establishes the Accessible Recreational Playground Equipment Special Fund. **The Department of Land and Natural Resources (Department), Division of State Parks (State Parks) provides the following comments.**

The Department appreciates the intent of this bill and supports efforts to provide additional recreational opportunities to special needs children.

Currently, park units under State Parks do not contain recreational playground equipment and there are no capital improvement projects in process where recreational playground equipment is being designed and installed. These recreational features and devices are typically installed and managed by the respective county parks and recreation departments.

State Parks manages 54 park units that are comprised of natural and cultural resources, that include monuments, waysides, historic sites, wilderness, beaches and shorelines with activities such as hiking and camping, beach and ocean access or experiencing history or cultural sites. Very few of the park units managed by State Parks would be suitable or appropriate for playground equipment due to the underlying theme and experience that our park users expect and that attract patronage.

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

The Department defers to the counties and relevant agencies that manage recreational playground facilities and have the appropriate expertise to implement and maintain special needs playground equipment in suitable locations. **Due to the fact that State Parks does not have this type of recreational equipment, the Department requests that State Parks be deleted from this measure.**

Thank you for the opportunity to comment on this measure.



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

Date: 02/13/2025

Time: 02:00 PM

Location: 309 VIA VIDEOCONFERENCE

Committee: House Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 0867, HD1 RELATING TO RECREATIONAL FACILITIES.

Purpose of Bill: Beginning on 6/30/2030, requires all new playgrounds constructed in state parks and on public school grounds to include accessible recreational playground equipment as part of the recreational apparatuses. Establishes the Accessible Recreational Playground Equipment Special Fund. Appropriates funds. Effective 7/1/3000. (HD1)

Department's Position:

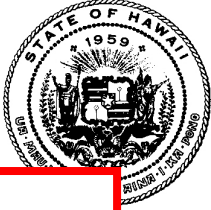
The Hawaii State Department of Education (Department) offers comments on HB 867, HD 1, which will require all playgrounds located in state parks and on public school grounds to include accessible recreational playground equipment as part of recreational apparatuses by June 30, 2030 and establishes the Accessible Recreational Playground Equipment Special Fund, which will appropriate funds.

Since the late 1990's the Department has been installing playground equipment with safety surfacing that meets the American with Disabilities Act of 1990 (ADA) as well as compliance with the American Society for Testing and Materials International F1487, F1292, and F1951, which are international voluntary standards and are referenced in the ADA. The Department also requires a review and approval of designs by the Department of Health, Disability and Communications Access Board, who ensures ADA requirements for playground equipment and safety surfacing are met.

Currently, there are 522 playground equipment with safety surfacing at schools throughout the state. Playground designs are unique to each school and location. Playground equipment within the Department typically has a lifespan of approximately 12-15 years but could be as short as 3 years depending on environmental conditions. All playground equipment throughout the Department is assessed and maintained on a regular basis until the end of their life cycles. Safety surfacing on the other hand, has a lifespan of 8-10 years and is repaired and maintained, as needed until replacement.

The Department continues to improve playground equipment designs that provide an enriched experience for students with special needs, as well as typically developing students. While the Department continues to find more cost-effective ways to install playgrounds that have the most play value for all abilities, costs continue to rise. Moreover, accessible equipment that is more current and supports a fully inclusive play setting tends to be more costly. The Department appreciates this proposal and the inclusion of funding but asks that any additional funding does not affect the Department's Governor-approved budget requests.

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



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

LATE

February 13, 2025

TESTIMONY TO THE HOUSE COMMITTEE ON EDUCATION

House Bill 867 HD1 – Relating to Recreational Facilities

The Disability and Communication Access Board (DCAB) supports the intent of House Bill 867 HD1, which, beginning on 6/30/2030, requires all new playgrounds constructed in state parks and on public school grounds to include accessible recreational playground equipment as part of the recreational apparatuses. Establishes the Accessible Recreational Playground Equipment Special Fund. Appropriates funds. Effective 7/1/3000.

Accessible playgrounds allow people with disabilities to play alongside their peers, promoting community inclusion. DCAB offers the following recommendations to strengthen this bill:

To promote equivalent opportunities to participate, DCAB recommends replacing terms like “physically disabled children” or “youth” with person-first language, such as “people with disabilities.” It is important to recognize that individuals of all ages may seek access to playgrounds.

DCAB recommends removing state parks from the bill, as they typically do not have playgrounds, and instead include county parks, which provide more recreational opportunities for people of all abilities. Additionally, when a school abuts a county park, the accessibility requirements should apply only to the county park, as these spaces are open to the public, whereas school grounds have restricted access.

To ensure a practical and cost-effective implementation, DCAB recommends applying these requirements only to new and renovated playgrounds. This approach aligns with the typical implementation of federal accessibility standards, such as the Americans with Disabilities Act Accessibility Guidelines (ADAAG), helping to manage costs while promoting accessibility.

DCAB further recommends explicitly requiring a wheelchair-accessible swing, as ADA guidelines set clear standards that help developers ensure consistency. While the addition of a wheelchair swing may increase costs by \$20,000 to \$30,000 per playground due to necessary modifications like accessible pathways, this investment will significantly improve accessibility and an equal opportunity to participate for people of all abilities.

These adjustments will make the bill more feasible and effective in creating accessible recreational spaces for all people.

DCAB recommends replacement of sections 1, 2, 3, and 4 to reflect our recommendations as follows:

SECTION 1. The legislature finds that the lack of disability-compatible equipment in state parks and playgrounds and department of education playgrounds is having a negative impact on ~~[physically disabled youth]~~ people with disabilities in the State. This causes disparate utilization of recreational facilities and prevents opportunities for socialization. It is important to comply with the Americans with Disabilities Act. ~~[Disabled community]~~ Community members with disabilities have rights and it is important that these rights ~~[be]~~ are recognized.

The purpose of this Act is to enhance the ~~[inclusion of physically disabled youth]~~ equal opportunity for people with disabilities to participate in important socialization activities by:

- (1) Beginning on June 30, ~~[2030]~~ 2027, requiring all new and renovated playgrounds constructed in ~~state~~ county parks and on public school grounds to have a minimal set of wheelchair accessible recreational playground equipment swings; and
- ~~(2)~~ Exempts projects submitted to the Disability and Communication Access Board's Facility Access Review in accordance with HRS section 103-50 by June 30, 2027.
- ~~(2)~~ (3) Appropriating funds to the ~~[department of land and natural resources and]~~ department of education to purchase and install wheelchair accessible [recreational playground equipment] swings.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
RIGHT TO PLAYGROUNDS ACCESSIBLE TO ~~[ALL YOUTH]~~ PEOPLE WITH
DISABILITIES.”**

§ -1 **Short title.** This chapter may be cited as the Right to PLAY Act.

§ -2 **Definitions.** As used in this chapter:

~~“[Accessible recreational playground equipment” means recreational playground equipment that can be used by physically disabled youth.]~~

“Department” means department of ~~[land and natural resources]~~ education.

~~“[Physically disabled]”~~ “People with disabilities” means having ~~[a physical]~~ an impairment that substantially limits one or more major life activities.

“Playground” means any public outdoor facility with apparatuses that are intended for the ~~[recreation of children]~~ recreational use, including but not limited to ~~[sliding boards,] swing sets[, and teeterboards]]~~.

“Public school” has the same meaning as in section 302A-101.

“Wheelchair accessible swings” means swings that can be used by people with wheelchairs without the need to transfer to another seat.

~~“Youth” means individuals under the age of eighteen.]~~

§ -3 **Wheelchair accessible ~~[recreational playground equipment]~~ swing installation; minimum requirements.** (a) Beginning on June 30, ~~[2030]~~ 2027, every new playground constructed in a state park or on public school grounds shall include wheelchair accessible ~~[recreational playground equipment]~~ swings as part of the playground apparatuses.

(b) All accessible recreational playground equipment installed pursuant to this section shall comply with the standards set forth in the 2010 Americans with Disabilities Act Standards for Accessible Design, or any successor or similar guidelines or standards governing accessibility standards for public facilities.

(c) Projects which have been submitted to the Disability and Communication Access Board pursuant to HRS section 103-50 before June 30, 2027, are exempt from this section.

§ -4 ~~[Accessible recreational playground equipment] Wheelchair accessible special fund.~~ (a) There is established ~~[an accessible recreational playground equipment]~~ a wheelchair accessible swings special fund to be administered by the department, which shall consist of moneys appropriated to the fund by the legislature.

(b) Moneys from the ~~[accessible recreational playground equipment]~~ wheelchair accessible swings special fund shall be expended by the department for the acquisition, installation, and maintenance of ~~[accessible recreational playground equipment]~~ wheelchair accessible swings.

(c) All unobligated, unencumbered, or unexpended funds remaining in the fund in excess of \$ _____ at the close of each fiscal year shall lapse to the general fund.

§ -5 Compliance with federal law. All ~~accessible recreational playground equipment~~ wheelchair accessible swings shall comply with all applicable federal and state laws.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to be deposited into the ~~[accessible recreational playground equipment]~~ wheelchair accessible swing special fund established pursuant to section _____ -4, Hawaii Revised Statutes.

SECTION 4. There is appropriated out of the ~~[accessible recreational playground equipment]~~ wheelchair accessible swing special fund the sum of \$ _____ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to purchase and install ~~[accessible recreational playground equipment]~~ wheelchair accessible swings in ~~[state]~~ county parks and public schools.

Thank you for considering our position.

Respectfully submitted,



KIRBY L. SHAW
Executive Director

HB-867-HD-1

Submitted on: 2/11/2025 3:09:17 PM

Testimony for EDN on 2/13/2025 2:00:00 PM

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

Comments:

This is a really important bill and we appreciate Representative Amato for introducing it. Sometimes the first step in the life of a child with a disability towards community inclusion is simply playing. To be excluded at such a young age can be traumatizing. While the ADA requires all construction after a certain date to comply with specific guidelines (and even for some older facilities in some contexts) we suspect that many playgrounds are not accessible for children with disabilities. This bill will go a long way toward improving equal access to playgrounds for children with disabilities and providing funding for necessary upgrades. It would also be useful to know how many such playgrounds are not currently accessible with ADA standards, and where they are located in order to prioritize where resources should first be allocated.

HB-867-HD-1

Submitted on: 2/11/2025 1:06:06 PM

Testimony for EDN on 2/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cat Orlans	Individual	Support	Written Testimony Only

Comments:

I fully support the intent of HB867 HD1 to provide accessible recreational playground equipment for youth with disabilities, which is an important step toward making public spaces more inclusive for my child with a disability that is not currently included in the language of this bill.

Ensuring that children of ALL abilities have equal opportunities for play and socialization in our parks and school playgrounds is vital for building a more inclusive and welcoming community. However, I would like to offer some recommendations to further strengthen the bill and ensure that it is truly inclusive of all disabilities, including my child with autism and sensory-related needs.

1. Expanding the Definition of "Disability"

While the bill currently addresses "physically disabled" youth, I recommend expanding the definition to include a broader range of disabilities, particularly neurodevelopmental and sensory disabilities, such as Autism Spectrum Disorder (ASD). Autism is often misunderstood as solely a physical disability, but it primarily involves differences in sensory processing, communication, and social interaction. Including language such as "neurodiverse" or "sensory processing disorders" would ensure that children with autism are specifically considered in the design of inclusive playgrounds.

Suggested Change: Include language that acknowledges developmental disabilities like autism, sensory processing disorders, and cognitive impairments, which may also require accommodations in playground equipment and design.

2. Sensory-Friendly Equipment and Features

Many children with autism experience sensory sensitivities that can make traditional playgrounds overwhelming or difficult to use. Features such as bright lights, loud noises, and certain textures may cause distress. To make playgrounds more inclusive for children with autism, I recommend including provisions for sensory-friendly equipment, such as noise-reduced swings, calming spaces, and tactile panels that engage the senses in a soothing way.

Suggested Change: Explicitly mention the inclusion of sensory-friendly equipment, such as noise-reduced swings, calming areas, and tactile panels, to better serve children with autism and other sensory processing needs.

3. Socialization and Interaction Considerations

Playgrounds serve as critical spaces for socialization, but children with autism often face challenges in traditional play environments. To support inclusive social interactions, playgrounds can be designed with cooperative play areas and non-competitive games that encourage participation from all children, including those who may struggle with unstructured play. These designs could help children with autism engage with their peers in a way that feels comfortable and natural.

Suggested Change: Include provisions for designing play areas that facilitate cooperative and structured social engagement for neurodiverse children, including those with autism.

4. Staff Training and Awareness

It is equally important to ensure that park staff and school personnel are equipped to understand and meet the unique needs of children with autism. Training in autism awareness and sensory accommodations can help create a supportive and safe environment for neurodiverse children and their families. I recommend adding a requirement for staff training focused on recognizing and addressing the needs of children with autism and other developmental disabilities.

Suggested Change: Include a provision for staff training on autism and other disabilities to promote a safe and inclusive environment for all children, particularly with respect to sensory, social, and safety concerns on playgrounds.

5. Public Involvement and Feedback

Community involvement is key to ensuring that the playgrounds meet the needs of all families, including those with children who have autism. I recommend incorporating a process for soliciting input from parents, caregivers, and advocacy groups that represent children with autism during the planning and design phases of these playgrounds. This will ensure that the voices of those directly impacted are heard and that their specific needs are taken into account.

Suggested Change: Require consultation with advocacy groups and families of children with autism in the planning and design of accessible playgrounds.

6. Expanded Scope of "Youth"

Currently, the bill defines "youth" as individuals under the age of 18, but some children with autism may need accommodations beyond this age, especially if they have mild to moderate disabilities. To better support these individuals, I recommend considering an expansion of the definition or providing language that accommodates individuals with disabilities beyond the age of 18, as some may benefit from the same accessible features for a longer period.

Suggested Change: Consider broadening the scope of "youth" to include young adults with disabilities who may still benefit from these inclusive playgrounds.

In conclusion, HB867 HD1 is a commendable step toward creating more accessible and inclusive spaces for children with disabilities. By incorporating these recommendations—expanding the definition of "disability," addressing sensory needs, promoting socialization, providing staff training, ensuring public involvement, and expanding the age range—we can ensure that the playgrounds truly meet the needs of all children, including those with autism.

I strongly urge the committee to adopt these recommendations to make our parks and school playgrounds inclusive, supportive, and welcoming for children of all abilities.

Thank you for your consideration.

Catherine Orlans

HB-867-HD-1

Submitted on: 2/11/2025 4:35:19 PM

Testimony for EDN on 2/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erika Ryckman	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill.

Thank you.

HB-867-HD-1

Submitted on: 2/13/2025 8:20:40 AM

Testimony for EDN on 2/13/2025 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Kaili Swan	Individual	Support	Remotely Via Zoom

Comments:

I am in strong support of this measure because people with disabilities need affordable access to the playground facilities without any issues please pass this bill thank you