

STAND. COM. REP. NO.

1374

Honolulu, Hawaii

MAR 24 2023

RE: H.B. No. 388
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.B. No. 388, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Adopt the National Instructional Materials Accessibility Standard; and
- (2) Require the Department of Education to obtain instructional materials in accessible formats for eligible students.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board, Hawaii State Committee of Blind Vendors, National Federation of the Blind of Hawaii, National Organization of Parents of Blind Children Hawaii, and eighteen individuals. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that providing appropriate instructional materials for all students, including accessibility to appropriate instructional materials for students with disabilities, allows all students an equal opportunity to achieve academic success.



Presently, the Department of Education adheres to the National Instructional Materials Accessibility Standard and coordinates with the National Instructional Materials Access Center to provide accessible instructional materials for students. However, existing state law pertaining to instructional materials requires publishers to adhere to requirements that are outdated due to technological advancements. This measure conforms state requirements with federal law to ensure all students have timely access to instructional materials in appropriate accessible formats.

Your Committee has amended this measure by:

- (1) Amending the definition of "print instructional materials" to include:
 - (A) Digital instructional materials obtained in an appropriate accessible format for an eligible student; or
 - (B) Materials that can be provided by the National Instructional Materials Access Center in a valid National Instructional Materials Accessibility format;
- (2) Authorizing, rather than requiring, the Department of Education to enter into a written contract with a publisher of print instructional materials to prepare and provide the National Instructional Materials Access Center electronic files containing the contents of the print materials;
- (3) Authorizing the Department of Education to purchase new or innovative start-up instructional materials or instructional materials published by a Hawaii-based publisher on a pilot basis for up to one calendar year;
- (4) Requiring the eligible student's individualized education program to identify the print instructional materials and other instructional materials, including but not limited to textbooks, articles, handouts, posters, bulletin boards, maps, charts, graphics, audio-visual presentations, digital instructional materials,



and all other printed materials available to students in elementary and secondary classrooms, and other instructional materials to be used by students without disabilities; and

- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 388, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 388, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Education,

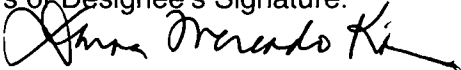


MICHELLE N. KIDANI, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:*	Committee Referral:	Date:		
HB388, HD1	EDU, WAM	3/20/2023		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIDANI, Michelle N. (C)	/			
KIM, Donna Mercado (VC)	/			
KANUHA, Dru Mamo	/			
RICHARDS, III, Herbert M. "Tim"				/
FEVELLA, Kurt	/			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes