



# STATE OF HAWAII

## PROGRAMS AND SERVICES MANUAL FOR PERSONS WITH DISABILITIES

### DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118

Honolulu, HI 96813

Phone: (808) 586-8121

TTY: (808) 586-8162

Fax: (808) 586-8129

Web site: [health.hawaii.gov/dcab/](http://health.hawaii.gov/dcab/)

Email: [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov)

This Manual was originally published by the Commission on Persons with Disabilities in March, 1999. The Manual has been updated by the Disability and Communication Access Board in 2003, 2004, 2006, and 2008. All prior versions should be discarded.

# TABLE OF CONTENTS

## PART I GENERAL REQUIREMENTS

### Chapter

- 1 Access to Programs and Services
  - 1.1 Introduction and legal requirements
  - 1.2 People with disabilities protected under the law
    - 1.2.1 “Person with a physical or mental impairment”
    - 1.2.2 “Person with a record of impairment”
    - 1.2.3 “Person regarded as having an impairment”
    - 1.2.4 Qualified person with a disability
  - 1.3 Customer service needs of people with disabilities
    - 1.3.1 Individuals with mobility disabilities
    - 1.3.2 Individuals who are blind or have low vision
    - 1.3.3 Individuals who are deaf, hard of hearing or deaf-blind
    - 1.3.4 Individuals with chronic health conditions
    - 1.3.5 Individuals with cognitive disabilities
- 2 General Nondiscrimination Requirements
  - 2.1 Equal opportunity to participate
  - 2.2 Reasonable modifications of policies, practices, or procedures
  - 2.3 Surcharges and additional requirements
  - 2.4 Integrated settings and separate programs
  - 2.5 Eligibility criteria
  - 2.6 Safety requirements
  - 2.7 Unnecessary inquiries
  - 2.8 Personal devices and services
  - 2.9 Maintenance of accessible features
  - 2.10 Contracting with external organizations and procurement contracts
  - 2.11 Licensing and certification
  - 2.12 Retaliation or coercion
  - 2.13 Association

- 3 Communication Access Requirements
  - 3.1 How to choose the type of auxiliary aid or service
  - 3.2 Auxiliary aids and services for people who are deaf, hard of hearing or deaf-blind
  - 3.3 Auxiliary aids and services for people who are blind or have low vision
  - 3.4 Auxiliary aids and services for people with have cognitive disabilities
  - 3.5 Auxiliary aids and services for people with speech disabilities

PART II  
APPLYING THE REQUIREMENTS TO PROGRAMS AND  
ACTIVITIES OF THE STATE OF HAWAII

Chapter

- 4 Printed Information
  - 4.1 Large print
  - 4.2 Braille
  - 4.3 Audio recorder
  - 4.4 Electronic format
- 5 Announcements and Publicity Materials
- 6 Registration for Activities or Events
- 7 Catering or Banquet Services
- 8 Phone Services
  - 8.1 Emergency services
  - 8.2 Hot lines and other "special lines"
  - 8.3 Regular phone contact with the public
- 9 Auxiliary Services
  - 9.1 Qualified sign language interpreter
  - 9.2 Realtime captioning service providers
  - 9.3 Computer-assisted notetakers
  - 9.4 Auxiliary personnel
- 10 Service Animals
- 11 Audio and Audiovisual Communications
  - 11.1 Video
  - 11.2 Public service announcements
  - 11.3 Television programs
  - 11.4 Radio programs

## 12 Facility Access

- 12.1 New construction and alteration of buildings and facilities
- 12.2 Existing state buildings and facilities
- 12.3 Private facilities leased by the State
- 12.4 Components of an accessible site for a program, service or activity

## ATTACHMENTS

- A Language and Terminology Relating to Persons with Disabilities
- B Good Customer Service Practices to Keep in Mind as You Encounter Members of the Public Who have Disabilities
- C Governor's Administrative Directive No. 12-06: Accessibility to State Government by Persons with Disabilities
- D Communication Tips with Individuals Who are Deaf, Hard of Hearing or Deaf-Blind
- E Guidelines for Producing Materials in Print Format
- F Guidelines for Producing Materials in Braille
- G Guidelines for Producing Audio Recordings
- G-1 Sample purchase order and invoice for reader services
- H Sample Statements for Announcements and Publicity Materials
- I Information on Telephone Communications Devices
- I-1 Sample Telecom Request DAGS Form 1 (2/2009) for purchasing a TTY
- J How to Use the Telecommunications Relay Service and Video Relay Service
- K Sample Statements for Registration Forms
- L Guidelines for Utilizing Sign Language/English Interpreters
- L-1 Sample purchase order and invoice for sign language interpreters
- M Guidelines for Utilizing Video Remote Interpreting (VRI) Services
- N Guidelines for Utilizing Realtime Captioners
- N-1 Sample purchase order and invoice for realtime captioners

- O Guidelines for Utilizing Computer-Assisted Notetakers
- O-1 Sample purchase order and invoice for computer-assisted notetakers
  
- P Information on Service Animals
  
- Q Information on Captioning, Transcripts, and Audio/Video Description
  
- R Site Accessibility
  
- S Information on Assistive Listening Systems and Devices

# CHAPTER 1

## ACCESS TO PROGRAMS AND SERVICES

### 1.1 Introduction and legal requirements

The State of Hawai`i shall strive to include people who have disabilities in all programs, services, or activities which are available to the general public. The “Programs and Services Manual for Persons with Disabilities” establishes a consistent approach to providing good public service and equal access for people who have disabilities to programs and services offered by the State of Hawai`i consistent with federal and state laws. The purpose of this Manual is to provide program managers and staff with a reference guide when planning a program or service to ensure the inclusion of individuals who have disabilities as customers or program participants.

This Manual is not intended for use when accommodating employees with disabilities, although many of the principles are the same. A separate guide, entitled the “Accommodations for Employees with Disabilities Manual,” has been issued by the State of Hawai`i to provide guidance to you in meeting your responsibilities as an employer.

To obtain either Manual, contact your department ADA Coordinator or:

Disability and Communication Access Board  
919 Ala Moana Blvd., Room 101  
Honolulu, HI 96814  
(808) 586-8121 (V/TTY)

The Manual contains many examples, especially in Chapters 1 to 3. The examples noted are for illustrative purposes only to highlight a requirement or rule. The examples do not necessarily reflect poor or incorrect past practices of any department or agency mentioned.

The State of Hawai`i is covered in its entirety by the provisions of Title II of the federal Americans with Disabilities Act (ADA) which relates to state and local government. In addition, those programs which receive federal financial assistance are covered by Sections 503 and 504 of the Rehabilitation Act of 1973, as amended. It should be noted that the provisions for both laws are virtually identical, although failure to comply with the latter may result in additional penalties and withdrawal of federal financial assistance. Both laws prohibit discrimination against



qualified individuals who have disabilities in accessing programs and services of state and local government.

State law (Chapter 368-1.5, Hawai`i Revised Statutes) also states that “no otherwise qualified individual shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination by state agencies solely by reason of disability.” Thus both Chapter 368-1.5, Hawai`i Revised Statutes (HRS) and the ADA may be violated if access to programs and services are not provided to a qualified person with a disability.

The requirements, guidelines, and examples set forth in this Manual are primarily chosen to ensure compliance with federal law, Title II of the ADA. The information in this Manual does not constitute a legal opinion. It represents informal technical assistance and guidance based upon federal documents relating to the ADA, supplemented by relevant state documents and examples. Ongoing technical assistance on aspects of this Manual is available from your departmental ADA Coordinator or the Disability and Communication Access Board. Legal advice should be obtained from your respective Deputy Attorney General.

Some programs or services may have additional service requirements (e.g., in-class educational or instructional curricula for students with disabilities, housing services for tenants, rehabilitation for incarcerated prisoners) which may be mandated by other laws. This Manual does not intend to cover all aspects of programming for every possible state service. More information can be obtained from the Disability and Communication Access Board in those areas and about laws, such as the Individuals with Disabilities Education Act, Federal Fair Housing Act, Uniform System for Handicapped Parking Act, and the Air Carrier Access Act, which impact the civil rights of people who have disabilities. These laws may overlap provisions described in this Manual within certain program areas and may require additional programming.

## **1.2 People with disabilities protected under the law**

Federal and state laws prohibit discrimination against any “qualified person with a disability.”

A “person with a disability” means an individual who has a physical or mental impairment which substantially limits one or more of the person’s major life activities, has a record of such impairment, or is regarded as having such an impairment.

### 1.2.1 “Person with a physical or mental impairment”

Physical impairments include physiological disorders or conditions, cosmetic disfigurements, or anatomical loss affecting one or more of the body systems.

EXAMPLES: Orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection (symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

Mental impairments include mental or psychological disorders.

EXAMPLES: Mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Simple physical characteristics such as baldness, left-handedness, the color of one’s eyes, hair, or skin or age do not constitute physical impairments. Similarly, disadvantages attributable to environmental, cultural, or economic factors are not impairments. The definition does not include common personality traits such as poor judgment or a quick temper, where these traits are not diagnosed symptoms of a mental or psychological disorder.

Physical or mental impairment does NOT include homosexuality or bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, and psychoactive substance use disorders resulting from current illegal use of drugs.

Drug addiction is an impairment under the ADA. A department or agency, however, may base a decision to withhold services or benefits in most cases on the fact that an addict is engaged in the “current and illegal” use of drugs. “Illegal use” of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. It does not include use of controlled substances pursuant to a valid prescription, or other uses that are authorized by the Controlled

Substances Act or other federal law. "Current use" is the illegal use of a controlled substance that occurred recently enough to

justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem. Protected individuals include persons who have successfully completed a supervised drug rehabilitation program or have otherwise been rehabilitated successfully and who are not engaging in the current illegal use of drugs. Additionally, discrimination is prohibited against an individual who is currently participating in a supervised rehabilitation program and is not engaging in the current illegal use of drugs.

Alcohol is not a "controlled substance," but alcoholism is considered a disability.

To constitute a "disability" a condition must substantially limit a major life activity. Major life activities include, but are not limited to, activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

### **1.2.2 "Person with a record of impairment"**

Federal and state laws protect not only those individuals with disabilities who actually have a physical or mental impairment that substantially limits a major life activity, but also those individuals with a record of such an impairment. This protected group includes a person who has a history of an impairment that substantially limited a major life activity but who has recovered from the impairment, as well as a person who has been misclassified as having an impairment.

**EXAMPLE:** A person had cancer five years ago. The cancer was significantly limiting in the person's life at that time, with an inability to work due to intensive and severely debilitating chemotherapy and radiation treatments. The cancer is now in remission and the person is now functioning well. This is a person with a record of an impairment (cancer).

**EXAMPLE:** A person with a severe episode of Post Traumatic Stress Disorder at age 20 voluntarily sought psychiatric care. After treatment and in-patient hospitalization, this person is now able to function adequately. Even though this person does not now have

an impairment, this person has a record of an impairment (mental illness).

### **1.2.3 “Person regarded as having an impairment”**

Federal and state laws also protect individuals who are regarded as having a physical or mental impairment that substantially limits a major life activity, whether or not individuals actually have an impairment.

EXAMPLE: A person with mild diabetes controlled by medication is barred by the staff of a state-sponsored summer camp from participation in certain sports because of this person’s diabetes. Even though this person does not actually have an impairment that substantially limits a major life activity, this person is protected under the law because this person is treated as though this person has an impairment.

EXAMPLE: A three-year old child born with a prominent facial disfigurement is refused admittance to a state-run day care program on the grounds that the child’s presence in the program might upset the other children. This child is an individual with a physical impairment that substantially limits major life activities only as the result of the attitudes of others toward the child’s impairment.

EXAMPLE: A person is excluded from a state-sponsored soccer team because the coach believes rumors that this person is infected with the HIV virus. Even though these rumors are untrue, this person is protected under the law because this person is being subjected to discrimination by the state based on the belief that this person has an impairment that substantially limits this person’s major life activities (i.e., the belief that this person is infected with HIV).

### **1.2.4 Qualified person with a disability**

In order to be an individual protected under disability discrimination laws, an individual must be a “qualified” individual with a disability. To be qualified, an individual with a disability must meet the essential eligibility requirements for the receipt of services or participation in programs, activities, or services of the state with or without reasonable modifications to a public entity’s rules, policies, or practices; removal of architectural,

communication, or transportation barriers; or provision of auxiliary aids and services.

The “essential eligibility requirements” for participation in many activities of the state may be minimal.

EXAMPLE: The Department of Taxation provides information about their programs, activities, and services upon request. In such situations, the only “eligibility requirement” for receipt of such information would be a request for it.

However, under other circumstances, the “essential eligibility requirements” imposed by a state entity may be quite stringent.

EXAMPLE: The medical school at the University of Hawai`i may require those admitted to its program to have successfully completed specified undergraduate science courses.

Health and safety factors can be taken into consideration in determining who is qualified. An individual who poses a direct threat to the health or safety of others will not be “qualified.” A “direct threat” is a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level by the public entity’s modification of its policies, practices, or procedures, or by the provision of auxiliary aids or services. Determination that a person poses a direct threat to the health or safety of others may not be based on generalization or stereotypes about the effects of a particular disability. The determination must be based on an individualized assessment that relies on current medical evidence, or on the best available objective evidence, to assess the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate or eliminate the risk.

EXAMPLE: An adult individual with active tuberculosis wishes to tutor elementary school children in a volunteer mentor program operated by the Department of Education. The board/department may refuse to allow the individual to participate on the grounds that the mentor’s condition would be a direct threat to the health or safety of the

children participating in the program only if the condition is contagious, and the threat cannot be mitigated or



eliminated by reasonable modifications in its policies, practices, or procedures.

### 1.3 Customer service needs of people with disabilities

This section provides information about individuals categorized into five general groupings: individuals with mobility disabilities; individuals who are blind or have low vision; individuals who are deaf or hard of hearing; individuals with chronic health conditions; and individuals with cognitive disabilities. Although the groupings are not exhaustive, nor specifically categorized as such in the ADA, the groupings will guide you when anticipating how to provide customer service to individuals with disabilities. Remember that every individual is unique and specific needs will always be personalized. Use the information in this section to provide a framework for your planning, but always remember to talk specifically with any individual with a disability who has self-identified in order to provide the best service to his or her unique needs.

Providing quality service in a nondiscriminatory manner to individuals with disabilities involves an understanding of the needs described above and being prepared, should the need arise, to respond in a timely manner as an agent of the State of Hawai`i.

Quality service also involves using language which reflects a sensitivity to current preferred terminology.

- *Refer to **ATTACHMENT A** for information on language and terminology relating to persons with disabilities.*

Service to customers and other program participants can be greatly enhanced by training your staff on the most appropriate way to interact or communicate with people with disabilities, learning to respect their individual needs and preferences without being patronizing, stigmatizing, or presuming stereotypes.

- *Refer to **ATTACHMENT B** for good customer service practices when you encounter members of the public who have disabilities.*

#### 1.3.1 Individuals with mobility disabilities

Individuals with mobility disabilities include those who use wheelchairs, as well as those who are ambulatory but who have restrictions to mobility.

A person using a wheelchair may use either a standard manual wheelchair or a motorized, battery-operated chair. The person may have full to no use of arms or legs. Some people use a wheelchair due to paralysis or loss of one or more of the lower extremities; others may use a wheelchair because walking independently creates fatigue.

The primary needs of individuals who have mobility disabilities who use wheelchairs are:

- an accessible facility which allows for full, independent mobility;
- safe emergency exit;
- access for a service animal;
- personal assistance handling food, materials, and other items, especially if the individual has quadriplegia and is paralyzed in the upper extremities.

Individuals who have mobility disabilities but are ambulatory include people who use crutches, canes, braces, walkers, or other support devices. They use their hands to maintain stability on the support devices. Respiratory or cardiac conditions may also restrict the ability to walk long distances.

The primary needs of individuals who have mobility disabilities but are ambulatory are:

- an accessible facility in which major activities are located in close proximity to each other, minimizing walking distance;
- safe emergency exit;
- personal assistance handling food, materials, and other items, particularly if the individual uses a support device.

If the agency's facility is particularly large, such as a convention center, orientation of the facility by way of a map is important, indicating the location of accessible features, especially if all elements are not accessible. For example, if the facility has only

one set of accessible restrooms, knowing the location is important to minimize unnecessary walking. It is also important

to inform a person who has a mobility impairment of the appropriate emergency exit procedures at the site.

### **1.3.2 Individuals who are blind or have low vision**

Individuals who are blind or who have low vision may have a variety of residual visual skills and mobility capabilities. They may utilize a guide dog, white cane, or no assistive mobility device at all; some individuals will prefer a sighted guide to provide mobility and orientation.

Persons who are blind or have low vision will have differing levels of residual vision and will have different preferences for reading printed materials. The most common alternate formats are large print, audio recorder, electronic (email, etc.), or Braille. Many individuals who are blind or have low vision cannot read Braille, especially those who have lost their sight later in life; others may not even be able to use large print. Therefore, it is important that all the options be offered to an individual, with the preferences of the person taken into consideration.

The primary needs of individuals who are blind or who have low vision are:

- an accessible facility, particularly free from safety hazards and protruding objects, with tactile signage;
- safe emergency exit;
- written information presented in an alternate format such as Braille, large print, audio recorder, or computer disk;
- access for a service animal;
- a well-lit facility to maximize seeing;
- personal assistance in picking up and handling items such as food and materials.

Regardless of an individual's level of independent mobility, a person who is blind or who has low vision may need some orientation to your facility to navigate the site. The orientation should include the location of the restrooms, telephones, drinking

fountains, registration desk, elevators and/or stairs, eating facilities, and guest accommodations, if appropriate. An

orientation can be provided by a sighted person navigating the person who is blind or who has low vision through the facility, by an audio recorder explaining the site layout, or by a tactile map of the site. When orienting a person to the site, it is important to note where a person might take their guide dog to be relieved or walked. It is also important to inform a person who is blind or who has low vision of the appropriate emergency exit procedures at the site.

### **1.3.3 Individuals who are deaf, hard of hearing or deaf-blind**

Individuals who are deaf or hard of hearing have a range of hearing capabilities. The residual hearing of people who are deaf or hard of hearing may vary considerably. Some may not be able to hear any sound, while others may have difficulty with certain decibel levels or being able to distinguish between various types of sound (voice, music, background noise, etc.).

The primary needs of persons who are deaf or hard of hearing are:

- enhancement of spoken information that is presented by using an assistive listening system, sign language interpreter, or captioning;
- an accessible facility, particularly with a text telephone and amplification devices;
- access for a service animal;
- identifying the nearest emergency exit that may have a visual alarm.

Although some people who are deaf or hard of hearing may have lip-reading skills, it is not appropriate to rely upon lip-reading for communication. Under the best circumstances of one-to-one communication, a person who is a good lip reader will only understand approximately thirty percent (30%) of visible speech. Therefore, it is necessary to plan an alternative to communicate other than relying on lip-reading. The most common request is a sign language interpreter. Realtime captioning and computer-assisted notetaking also provide effective communication. The availability of speeches and other presentations in written text

may help a person who is deaf or hard of hearing to understand the information presented.

Persons who are hard of hearing may request an assistive listening device to amplify their hearing. They may have a hearing aid or use a portable listening amplification system such as an audio loop, FM system, or infrared system.

#### **1.3.4 Individuals with chronic health conditions**

Persons with chronic health conditions have various needs, each unique to the person's medical condition. Many people with chronic health conditions may not appear to have a visible disability. When planning your program, service, or activity, you will most likely only know that a person needs arrangements for auxiliary aid or service, due to disability, by special request. Some of the more common conditions and their requirements include:

- a person with diabetes may need access to refrigeration in order to store insulin;
- a person who has hemophilia may need access to refrigeration to store blood clotting Factor K;
- a person who is hypoglycemic may need immediate and around-the-clock access to food such as juices or fruit;
- a person who uses a portable respirator or dialysis may need space for treatment;
- a person with a metabolic condition may have special dietary requirements;
- a person with chemical sensitivity may need a smoke-free or fragrance-free environment.

#### **1.3.5 Individuals with cognitive disabilities**

Individuals with learning or cognitive disabilities include people who have intellectual or developmental disabilities, learning disabilities, or traumatic brain injuries. The nature of an individual's cognitive disability will vary according to the specific impairment or neurological deficit. Individuals may have difficulty writing, reading, or speaking (particularly at a fast pace),



processing auditory information (particularly complex information), maintaining attention, comprehending directions, or

processing input from multiple sources. Similar to individuals with chronic health conditions, people with cognitive disabilities may not appear to be visibly disabled and you will likely only know that a person needs special arrangements by request.

Many of the accommodations or aids which are suitable for individuals with other disabilities will also be appropriate to meet the needs of individuals with cognitive disabilities. Some of the possible accommodations for an individual with a cognitive disability include:

- written materials in an alternate format such as audio recorder, in simplified outline format, summary format, or a document that includes graphics, when possible;
- color coding of materials for easy reference;
- personal assistance in notetaking, providing orientation, etc.;
- permission to use personal audio recorders to record information for later review.

It is important to recognize that the ADA does not expect that the content of your program be changed in order to be understood by a person with a cognitive disability. In fact, there are presentations which are not understood by many people in an audience, not because of a cognitive disability but because of the sophistication of the content. However, efforts should be made to maximize the ability of a person to understand the content of whatever is being presented if comprehension is the result of an impairment which can be at least partially compensated for by an accommodation or auxiliary aid.

The following summary chart is a compilation of the needs of individuals with disabilities as described in this section.

**SUMMARY CHART  
THE NEEDS OF INDIVIDUALS WITH DISABILITIES**

<b>Person with a Disability</b>	<b>(Possible) Needs</b>
Individuals with a mobility disability	<ul style="list-style-type: none"> <li>Accessible facility</li> <li>Safe emergency exit</li> <li>Access for a service animal</li> <li>Personal care services</li> </ul>
Individuals who are blind or have low vision	<ul style="list-style-type: none"> <li>Accessible facility</li> <li>Safe emergency exit</li> <li>Written information in alternate format</li> <li>Access for a service animal</li> <li>Well-lit facility</li> <li>Personal or mobility assistance</li> </ul>
Individuals who are deaf or hard of hearing	<ul style="list-style-type: none"> <li>Verbal or spoken information in an alternate format</li> <li>Accessible facility</li> <li>Access for a service animal</li> <li>Clearly identified emergency exit</li> </ul>
Individuals with chronic health conditions	<ul style="list-style-type: none"> <li>Access to refrigeration</li> <li>Access to special foods</li> <li>Smoke-free or fragrance-free environment</li> </ul>
Individuals with cognitive disabilities	<ul style="list-style-type: none"> <li>Print information in an alternate format (with graphics, if possible)</li> <li>Color coding of important information</li> <li>Personal assistance</li> <li>Repetition of pertinent information</li> </ul>

## CHAPTER 2

### GENERAL NONDISCRIMINATION REQUIREMENTS

It is the policy of the State of Hawai`i to ensure that people who have disabilities are not denied access to programs and services offered by the State solely on the basis of their disabilities. This policy is based on federal legislation, including the Americans with Disabilities Act (ADA) and Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and State legislation, Hawai`i Revised Statutes (HRS), Chapter 368. It is reaffirmed by Governor's Administrative Directive 12-06 Accessibility to State Government by Persons with Disabilities.

- Refer to **ATTACHMENT C** for a copy of the Governor's Administrative Directive 12-06 Accessibility to State Government by Persons with Disabilities.

This policy applies to all programs, services, and activities of departments and agencies of the State of Hawai`i.

An EXAMPLE of a "program" is a hospital or health clinic or quarantine station.

An EXAMPLE of a "service" is licensing or testing or an information hotline.

An EXAMPLE of an "activity" is a tour or public hearing or groundbreaking ceremony.

This chapter discusses the major principles of nondiscrimination as applicable to departments and agencies of the State of Hawai`i.

#### 2.1 Equal opportunity to participate

In providing access to programs and services of the State of Hawai`i, departments and agencies must ensure that:

(a) qualified individuals with disabilities are not denied an opportunity to participate in and benefit from any program or service;

(b) individuals with disabilities are afforded an opportunity that is equal to or as effective as that provided others; and

(c) individuals with disabilities are not required to meet criteria for participation that screen out people with disabilities either directly or indirectly, unless such criteria are necessary for the provision of the program's activities.

EXAMPLE: An individual who is deaf does not receive an equal opportunity to participate in a public hearing conducted by the state if the individual is unable to hear the proceedings.

EXAMPLE: A student who uses a wheelchair does not receive an equal opportunity to participate in a tour if the site is not accessible to individuals who use wheelchairs.

This policy, consistent with the ADA, requires an equal opportunity to participate, but does not guarantee equality of results.

## **2.2 Reasonable modifications of policies, practices, or procedures**

Departments and agencies of the State of Hawai'i must reasonably modify their policies, practices, or procedures in order to avoid discrimination toward people with disabilities.

EXAMPLE: The Department of Land and Natural Resources maintains parks for the public. There is a 'no pets - no animals' policy when camping in state parks. An individual with a disability is accompanied by a service animal and wishes to have that animal accompany this person when camping. The Department of Land and Natural Resources must modify the 'no pets - no animals' policy to permit access for this person and the service animal.

EXAMPLE: The Department of Labor and Industrial Relations operates the Unemployment Insurance Program for those individuals displaced from work. The policy requires in-person meetings at the Department's office on a periodic basis to maintain one's eligibility status. For a person with a severe mobility impairment whose disability precludes leaving the house, the Department must modify its policy to permit phone or mail participation or a home visit.

EXAMPLE: The Department of Defense operates a program for veterans through the Office of Veterans Services. This may include assistance with burial for eligible veterans. The application process, however, may be difficult for a person with a

mental disability, particularly someone with a mental illness such as Post-Traumatic Stress Disorder, who may not be able to successfully complete the application process. In this case, the office has an obligation to make reasonable modifications to its application process to ensure that otherwise eligible individuals are not denied benefits. Modifications to the process may include providing applicants who have mental disabilities with individualized assistance to complete the process.

A modification is NOT required, however, if it would fundamentally alter the nature of the program or activity.

EXAMPLE: A person with a mobility disability asks the Department of Land and Natural Resources to pave all trails so people in wheelchairs are able to travel on a smoother path. This action would likely alter the fundamental nature of the outdoor trail.

EXAMPLE: The King Kamehameha Celebration Commission arranges the annual Kamehameha Day parade and ceremony to drape leis around the statue of King Kamehameha. A person with an environmental disability who cannot tolerate sunlight and is a pa'u (horse) rider wants the program to change its route to be all in the shade. Doing so, especially to avoid the statue of King Kamehameha, located in the sunlight, would fundamentally alter the program.

### **2.3 Surcharges and additional requirements**

At times, compliance with equal opportunity laws may require an additional cost. Although an additional cost may be incurred by the department or agency, and the cost may be unforeseen or unbudgeted, the department or agency cannot impose extra charges solely upon people with disabilities to cover the costs of these expenses for effective communication, program modifications, or access features.

EXAMPLE: The Hawai`i State Library System provides interpreter services to students who are deaf, removes architectural barriers for students who have mobility disabilities, and provides readers for students who are blind or have low vision. A library cannot place a surcharge on an individual student with a disability (such as a single student who is deaf who benefited from interpreter services) or on a group of students who

have disabilities (such as all students who have mobility disabilities who benefited from barrier removal).

The program or service may not impose any additional requirements or burdens on people with disabilities that they do not require of all other participants in the program.

EXAMPLE: The Department of Commerce and Consumer Affairs has a thirty-page set of administrative rules. When the public asks for a copy, the Department provides a printed copy and charges \$.25 per page for administrative costs, totaling \$7.50. A person with low vision asks for a set in large print. The Department prints a new set on its computer using a larger font, but the large print copy is ninety-pages in length. The person may not be charged for ninety pages, but only for thirty pages, the same price charged to other individuals.

## **2.4 Integrated settings and separate programs**

A primary goal of nondiscrimination legislation is the equal participation and inclusion of individuals with disabilities in the “mainstream” of society. A major principle of mainstreaming is that individuals with disabilities must be integrated to the maximum extent appropriate. Programs, services, or activities must be delivered in the most integrated setting appropriate to the person's level of need.

Separate programs to provide equal opportunity to benefit from the program are permitted only when necessary. Such programs, however, must be specifically designed to meet the individual needs of people who have disabilities for whom they are provided.

EXAMPLE: The Department of Human Services, Division of Vocational Rehabilitation, operates Ho`opono, an adult rehabilitation program for persons who are blind or have low vision. Special skills, such as mobility orientation, Braille reading, and a low vision clinic are offered. Such a program is permitted, as the services are specifically designed to meet the needs of persons who are blind.

EXAMPLE: The Department of Health operates a residential community at Kalaupapa, Molokai, for individuals who have Hansen’s Disease. Although segregated, this community is permitted as a specialized program whose services are specifically designed to meet the needs of the residents who have disabilities.



EXAMPLE: The Department of Education, Hawai'i State Public Library System, operates a specialized library, the Library for the Blind and Physically Handicapped. Because this library specializes in printed materials in alternate format such as Braille, audio tape or computer diskettes, a separate program is acceptable.

EXAMPLE: The State Foundation on Culture and the Arts hosts an exhibit. Viewers are not allowed to touch the exhibits because handling can cause damage to the objects. The Foundation may offer a special tour for individuals who are blind where such individuals are permitted to touch and handle other objects on a limited basis.

However, when separate programs are provided, qualified people who have disabilities still cannot be excluded from participating in the regular program or required to accept special services or benefits. Individuals may not be required to accept special benefits or programs if they choose not to do so.

EXAMPLE: Residents at Kalaupapa, Molokai, cannot be forced to stay there, but must be permitted to participate in other programs and services of the Department of Health.

EXAMPLE: People who have disabilities may not be denied access to all state libraries even though the Library for the Blind and Physically Handicapped exists. Furthermore, they must not be forced to go to a specialized library if they choose not to participate.

EXAMPLE: People who are blind or have low vision may not be denied access from the standard exhibit, although they may be required to abide by the "no-touching" policy for regular exhibit pieces.

Qualified individuals with disabilities are entitled to participate in regular programs, even if the program sponsor does not reasonably believe that the person can benefit from the regular program, assuming there are no health and safety factors to be considered.

EXAMPLE: The Department of Education offers hula classes or photography classes through their adult education program. The instructor may not exclude a person who is deaf from the hula

class or a person who has low vision from the photography class.  
The individual who is deaf may benefit from the vibrations of the

music beat and the individual who has low vision may benefit from seeing photographs at close range. Even if they don't, they have a right to participate.

The ability to provide full integration, if separate programs are available, will vary on a case-by-case basis.

**EXAMPLE:** The University of Hawai'i conducts theater performances for the public at-large. For a single play performed three nights per week for a month, the University decides to provide a performance interpreted in sign language at one show per week. In setting up the schedule, the University consults the deaf and hard of hearing community, decides on a different show time and day each week in order to offer a full range of choices, and publicizes the availability of the interpreted performances. Given this range of choices, it may not be necessary to provide a sign language interpreter at any other performance to offer complete integration at all performances.

## **2.5 Eligibility criteria**

Programs or services of the State of Hawai'i may not impose eligibility criteria which tend to screen out individuals with disabilities unless it can show that such requirements are necessary for the provision of the program, service, or activity or would fundamentally alter the nature of the program, service, or activity.

**EXAMPLE:** The community college system may not require students who have certain disabilities to be accompanied to class by attendants, when such individuals prefer to attend classes unaccompanied. The policy would have to change unless the college can demonstrate that it is necessary for some compelling reason to adopt such a policy.

**EXAMPLE:** The community college system may not prohibit people who use wheelchairs from participating in state-sponsored scuba diving classes solely because it believes that individuals who use wheelchairs probably cannot swim well enough to participate. Each student's situation must be considered individually. A blanket exclusion would violate the rights of people who have disabilities. Likewise, requiring only individuals with disabilities to demonstrate swimming competency would be discriminatory.

## **2.6 Safety requirements**

Departments and agencies may impose legitimate safety requirements for the safe operation of their services, programs, or activities. However, a specific program or service must ensure that its safety requirements are based on real risks, not on speculation, stereotypes, or generalizations about individuals who have disabilities, and must apply these safety requirements to others at risk.

**EXAMPLE:** A community college may establish a legitimate criteria of swimming as a prerequisite to enrolling in a scuba diving class if it can demonstrate that being able to swim is necessary for safe participation in the class. It can require all participants to be individually tested to meet that criteria. This is permitted even if requiring such a test would tend to screen out people who have certain kinds of disabilities.

**EXAMPLE:** The Department of Human Services may require CPR certification for child care operators, if it can demonstrate the need for the health and safety of the children. It can require all participants to be individually tested to meet that criterion. This is permitted even if the criterion eliminates certain people due to their disabilities (e.g., a person with a tracheotomy, a person who has a severe respiratory disorder, a person who has quadriplegia, all of whom may not physically be able to administer CPR).

## **2.7 Unnecessary inquiries**

A program or service may not make unnecessary inquiries into the existence of a disability.

**EXAMPLE:** A Department of Education recreation program may require parents to fill out a questionnaire and to submit medical documentation regarding their children's ability to participate in various after school and recreation activities. The questionnaire is acceptable, if given to all applicants, and if the Department can demonstrate that each piece of information requested is needed to ensure safe participation in the activity. The Department may not selectively ask only certain children to provide medical documentation based upon a perception of the child's limitation. The Department also may not use this information to screen out children who have disabilities from admittance to the program.

EXAMPLE: A community college program is seeking volunteers to work with at-risk high school students. A person with a disability signs up to be a volunteer. The only eligibility criterion to be a volunteer is to be over 18 years of age and have a high school diploma. The program's application form asks whether the applicant has ever had a history of a physical or mental impairment. A much more rigorous investigation is undertaken of applicants who answer "yes." This action would place an additional burden on individuals who have disabilities through unnecessary inquiries because such inquiries are not imposed on others without disabilities.

EXAMPLE: A state office open to the public notices that an individual enters with a dog. The office has a "no pets except for service animals policy," which is appropriate. Asking a person to show proof of licensure of the dog as a service animal is an unnecessary inquiry.

## **2.8 Personal devices and services**

A program or service is not required to provide individuals who have disabilities with personal or individually prescribed devices, (e.g., wheelchairs, prescription eyeglasses, or hearing aids) or to provide services of a personal nature (e.g., assistance in eating, toileting, or dressing).

EXAMPLE: The Department of Education offers adult education classes in the community. Upon enrolling in a course, one of the students indicates difficulty seeing the chalkboard for instructions. The Department is not required to purchase glasses for the person to enable the individual to see better. However, if the person were to need an auxiliary aid or service, such as materials in alternate format, these aids would not be considered personal services, and therefore, must be considered.

EXAMPLE: The Stadium Authority operates a public event at the Aloha Stadium. A person who is hard of hearing wishes to attend and listen to the information announced over the public address system. The Stadium Authority is not required to buy the person a hearing aid customized to the individual's hearing loss in order to hear. This is a personal device. However, the Stadium is required to have assistive listening systems and amplification systems which are not customized and can be "checked out" and

used by any patron to augment hearing, as a general assistive listening system, not as a personal device or service.

Of course, if personal services or devices are customarily provided to the individuals served by the department or program (such as in a hospital, nursing home, or social service agency), these personal services should also be provided to individuals who have disabilities.

EXAMPLE: The Department of Human Services provides personal care services in its Medicaid Waiver Program. Because it provides services such as bathing, toileting, and grooming to all participants, it must do so for people who have disabilities who are otherwise eligible for the program.

EXAMPLE: The Hawai'i Health Systems Corporation provides in-patient care to persons hospitalized in one of its community hospitals. Because it provides services such as nursing services to all patients, it must do so for people who have disabilities who are otherwise eligible for the service.

## **2.9 Maintenance of accessible features**

Programs or services must maintain, in working order, equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are permitted. Also, when an accessible route is provided to the location of a program, service, or activity, the route must remain accessible and not blocked by obstacles such as furniture, cabinets, or potted plants.

EXAMPLE: The State Department of Defense has a three-story building with an elevator. It would not be appropriate if, in order to save energy, the passenger elevator is turned off during the hours when the building is open.

EXAMPLE: The State Department of Accounting and General Services has a lift to provide access for people with mobility disabilities to an auditorium stage. The lift is not working. The Department must take reasonable steps to repair the lift to meet its obligations to maintain accessible features.

## **2.10 Contracting with external organizations and procurement contracts**

Departments may not discriminate, on the basis of disability, in contracting for the purchase of goods and services or in any procurement contract.

EXAMPLE: The University of Hawai`i, in its contract for food service operations, may not discriminate in its selection of contractors on the basis of disability, either because the company is owned by an individual who has a disability or employs individuals who have disabilities who might be working on campus.

EXAMPLE: The Department of Transportation, in its contract for parking lot attendant services at the airports, may not discriminate in its selection for or against contractors on the basis of disability, either because the company is owned by an individual with a disability or employs individuals with disabilities who might be working in one of the attendant toll booths at the airport.

EXAMPLE: The Department of Accounting and General Services, in its procurement of goods and services on the State's bid lists, may not discriminate in its selection of contractors for suppliers of equipment, either because the company is owned by an individual who has a disability or employs individuals who have disabilities.

EXAMPLE: The Department of Public Safety, in its solicitation for consultants to provide services to inmates, may not discriminate in its selection of consultants on the basis of disability by eliminating a consultant who uses a wheelchair because the location of the site where the consultant will be working is not accessible.

## **2.11 Licensing and certification**

Departments and agencies may not discriminate on the basis of disability in their licensing, certification, and regulatory practices. When the state administers an examination as a requirement toward obtaining a license, it must provide auxiliary aids for applicants who have disabilities and administer the examination in an accessible location. An applicant is a "qualified person who has a disability" if the individual meets the essential eligibility requirements for that license or certification.

EXAMPLE: The Department of Commerce and Consumer Affairs Professional and Vocational Licensing Division administers an examination for persons wishing to be licensed as hearing aid



dealers. The examination must be held in a location which permits a person who has a mobility disability to attend. If the

examination has a written component and a person who is blind or has low vision wishes to take the exam, auxiliary aids such as a reader, large print, Braille, or audio recorder must be provided. If the examination has an audio or oral component and a person who is deaf or hard of hearing wishes to take the exam, auxiliary aids such as a sign language interpreter or computer-assisted notetaker must be provided.

EXAMPLE: The Public Utilities Commission issues licenses for those entities wishing to operate a vehicle on the street for transportation commerce. In the licensing application process, the agency may have to provide an auxiliary aid or service (e.g., reader, sign language interpreter) or modify the licensing application process.

While many programs and activities of the State of Hawai'i do not have significant eligibility requirements, licensing programs often do require applicants to demonstrate specific skills, knowledge, or abilities. Those licensing departments may not discriminate against qualified individuals who have disabilities who apply for licenses but may consider factors related to the disability in determining whether a person is qualified.

The department or agency does not have to lower or eliminate licensing standards that are essential to the licensed activity. Whether or not particular requirements are essential must be determined on a case-by-case basis.

EXAMPLE: The Department of Health licenses facilities for adult residential care homes. The Department may have a requirement that operators pass a CPR exam. If a person cannot pass the exam due to a disability, the Department would not have to lower its standards and eliminate the requirement if it is an essential criterion.

EXAMPLE: The Department of Agriculture licenses farm produce dealers. In the licensing application process, the Department may have to provide an auxiliary aid or service (e.g., reader, sign language interpreter) or modify the licensing application process (e.g., to provide additional time). However, the Department is not required to eliminate a requirement to pass a written examination because it is too difficult for an applicant with a disability to complete.

In addition, departments and agencies may not establish requirements for programs that are certified or licensed that have the effect of limiting opportunities for participation or employment of people who have disabilities.

This requirement does not impose a responsibility to regulate the activities of privately-run programs that are merely licensed by the state beyond the administrative requirements set forth by state law or state administrative rules. An activity of a licensee does not become a “program or activity” of the state merely because it is licensed by the state.

## **2.12 Retaliation or coercion**

Individuals who assert their rights under disability discrimination laws, or assist others in asserting their rights, are protected from retaliation. The prohibition against retaliation or coercion applies broadly to any individual or entity that seeks to prevent an individual from exercising his or her rights or to retaliate against the individual for having exercised those rights. Any form of retaliation or coercion, including threats, intimidation, or interference, is prohibited, if it interferes with the rights of that person.

**EXAMPLE:** A department receives a complaint from a person who uses a wheelchair regarding the lack of accessibility at one of its facilities which recently underwent alterations. In fixing the problem, the department official releases the name, address, and phone number of the complainant and tells the staff to make sure they let the person who has a disability know that the individual is a troublemaker. If this has the effect of intimidating the complainant, it may be considered retaliation by the state department.

## **2.13 Association**

Programs or services may not discriminate against individuals, organizations, or other entities because of their known relationship or association with people who have disabilities. This prohibition applies to cases where the state program or service has knowledge of both the individual’s disability and relationship to another individual, organization, or entity. In addition to familial relationships, the prohibition covers any type of association, if the discrimination is actually based on the disability.

EXAMPLE: A recreation center may not refuse admission to a summer camp program to a child whose sibling is HIV positive.

EXAMPLE: A sports facility refuses to admit an individual with cerebral palsy as well as his sibling, because they are together. In addition to the individual with cerebral palsy, his sibling would have an independent action against the program for discriminating on the basis of association.

## CHAPTER 3

### COMMUNICATION ACCESS REQUIREMENTS

Departments and agencies of the State of Hawai'i shall ensure that people with communication disabilities are provided a means of communication that is as effective as that provided to people without disabilities.

This commitment is reaffirmed in Governor's Administrative Directive 12-06.

- Refer to **ATTACHMENT C** for the Governor's Administrative Directive No. 12-06 Accessibility to State Government by Persons with Disabilities.

Departments and agencies of the State of Hawai'i must provide effective means of communication to people who have visual, hearing, speech, or cognitive disabilities. Communication support must be provided in a manner that enables people who have disabilities to participate on an equal basis with all others, unless to do so would result in a fundamental alteration to the program or activity, or would result in an undue financial or administrative burden.

In order to ensure effective communication, state departments and agencies are required to make available appropriate auxiliary aids and services upon the request of a qualified person with a disability.

State departments and agencies may not charge individuals with disabilities for the cost of providing communication access. The Departments and agencies must include in the budget for the program, service, or activity the costs of auxiliary aids and services such as sign language interpreters, Braille, etc., by spreading the costs to all participants. (Refer to Section 2.3 on Surcharges for more information.)

**EXAMPLE:** The Department of Taxation offers a free workshop for the public on new tax regulations. A person who is deaf wishes to attend the workshop and requests a sign language interpreter for the hour-long session. The cost of the sign language interpreter is \$45. The Department may not charge the person who is deaf for the cost of the sign language interpreter.

**EXAMPLE:** If the same workshop held by the Department of Taxation (mentioned in the example immediately above) costs \$10 for all participants, then the person who is deaf can be required to pay the

same \$10 as everyone else, but no more. The cost of providing the sign language interpreter can be built into the overall cost, perhaps by increasing the registration fee for all participants to \$12.

Auxiliary aids and services include a wide variety of equipment, materials, and personal services that may be used to provide effective communication for people who have visual, hearing, speech, or cognitive disabilities.

### **3.1 How to choose the type of auxiliary aid or service**

Departments and agencies must provide an opportunity for individuals who have disabilities to request the auxiliary aids and services of their choice and must give “primary consideration” to the choice expressed by the individual. “Primary consideration” means that the state department or agency must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that using the means chosen would result in a fundamental alteration in the service, program, or activity or in an undue financial or administrative burden.

After receiving a request, departments and agencies should consult with the individual making the request to determine the most appropriate auxiliary aid or service. The individual who has a disability is most familiar with and is in the best position to determine what type of aid or service will be effective. What works for one person who has a disability may not work for another person with the same disability.

**EXAMPLE:** An individual who is deaf from birth or who lost hearing before acquiring language may use sign language as the primary form of communication and may not be comfortable or proficient with written English, making the use of a notepad an ineffective means of communication. On the other hand, an individual who lost hearing later in life may not be familiar with sign language. For that person, effective communication may be through writing.

**EXAMPLE:** An individual who is blind from birth and learned to use Braille may find that materials in Braille format are easiest to read and comprehend. The individual may or may not have enough residual vision to read large print materials. On the other hand, an elderly person who has slowly lost vision may have never learned Braille. For that person, a Braille transcript may be useless. Large print or audio recorder may be more appropriate.

In deciding upon the type of auxiliary aid to be provided, the department or agency must take into consideration a number of factors:

- Duration (length of time) of the communication: Longer, more detailed exchanges often require more powerful and faster modes of communication.
- The context in which the communication is taking place: Communication during a workshop may be different from a one-to-one over-the-counter transaction where the communication can be slowed to a comfortable pace or where repetition is easier. Environmental conditions, such as the difference between a structured office setting and an outdoor recreational setting will influence the effectiveness of the communication.
- The number of people involved: Communication techniques that are effective between two people might not work well in a group context due to the difficulty of understanding multiple simultaneous conversations.
- The importance of the communication: Some communications, such as those involving legal, financial, health and safety issues, are more important than others and should be provided in ways that guard against errors, omissions and misunderstandings. In all circumstances, the importance of the communication, the potential impact of the information, and the consequences of conveying incorrect information should be taken into consideration. Providing information on a person's delinquent tax payments has more financial and legal impact and consequences to a person than directions to the nearest bus stop.

In general, the longer, more complex and important communications require more analysis on the part of the department or agency to ensure that the highest and most effective communication has been provided.

**EXAMPLE:** A person who is hard of hearing goes to the Department of Labor and Industrial Relations seeking job assistance. The person may be able to understand one-to-one conversation in a quiet office setting by lip-reading and paper and notepad when asking for enrollment forms in a jobs program. However, once in the job skills class, the individual may not be able to lip-read adequately in a group setting, in this case a sign

language interpreter or computer-assisted notetaker, or other assistive listening device may be needed.



EXAMPLE: A person who is deaf is having lunch in the cafeteria of a hospital of the Hawai'i Health Systems Corporation while visiting the hospital to discuss medical treatment options. The person is unable to lip-read and generally communicates in sign language. For short exchanges with cafeteria employees, a pen and paper or expressive gesturing may be enough to ensure effective communication. Providing a printed menu or menu with pictures would also ensure effective communication. When the person visits a physician to discuss medical treatment options with a team of doctors, the complex information shared indicates that an interpreter is most likely needed.

### 3.2 Auxiliary aids and services for people who are deaf, hard of hearing, or deaf-blind

If a program or service provided by the State of Hawai'i transmits or gives out information in audio or verbal format, it may be necessary to provide an alternate format for a person who is deaf or hard of hearing.

Keep in mind that the type of auxiliary aid or service will depend on the individual's preferred mode of communication. A person who is deaf or hard of hearing should be able to communicate with others as effectively as others participating in the program or service.

- Refer to **ATTACHMENT D** for communication tips with individuals who are deaf, hard of hearing, or deaf-blind.

Providing effective communication may require auxiliary aids or services. Examples of auxiliary aids or services for people who are deaf or hard of hearing include, but are not limited to:

- qualified interpreters
- notetakers or computer-assisted notetakers
- written material
- realtime transcriptions or video text displays
- amplified and hearing aid compatible telephones
- assistive listening devices
- open or closed-captioning

- caption decoders
- TTYs (teletypewriters), TDDs (telecommunication devices for the deaf) or TTs (text telephones)
- iPad or tablet

Several chapters and their corresponding attachments in this Manual provide more information on the above examples. In particular, Chapter 8 provides information on communication relating to the phone service; Chapter 9 provides information on auxiliary services; Chapter 11 provides information on audio and audiovisual communications, and Chapter 12 provides information on site accessibility, including provisions for people who are deaf and hard of hearing.

### **3.3 Auxiliary aids and services for people who are blind or have low vision**

If a program or service provided by the State of Hawai`i transmits or gives information in printed or written format, it may be necessary to provide an alternate format for a person who is blind or has low vision. In addition, if participation in a program or service requires navigation and sight, assistance may also be necessary.

Keep in mind that the preferred auxiliary aid or service will depend on the individual's preferred mode of communication.

Auxiliary aids and services for people who are blind or have low vision include, but are not limited to:

- print information provided on tape cassettes, on computer diskettes, in Braille and in large print, or read by skilled readers;
- verbal descriptions of action and visual information to enhance the accessibility of performances and presentations;
- a staff member serving as a guide to enable a person who has limited vision to locate items or to proceed along an unfamiliar route.

Providing a reader does not mean that it is necessary to hire a full-time person for this service. The responsibilities of a reader may often be fulfilled by an employee who performs other duties; alternatively, a free-lance reader could be hired on an hourly basis. However, a reader for

a person who is blind or has low vision must read well enough to enable the individual to effectively participate in the program or service. It would not be an effective auxiliary aid to provide a reader with poor reading skills. This would hinder the participation of the individual who has a disability.

EXAMPLE: A person who is blind goes to the Department of Taxation and requests assistance with tax forms. The person may find that having a staff person read the instructions to determine which forms are appropriate is sufficient to determine what forms to take home. However, when the person needs instructions on how to fill out the form and calculate figures, informal reading may not be enough. Large print, Braille, or audio recorder instructions, as appropriate to the person's skills, would likely be needed.

When choosing to put materials in an alternate format, several options can be undertaken.

Several chapters and their corresponding attachments in this Manual provide more information on the above examples. Of particular importance to serving individuals who are blind or who have low vision, Chapter 4 provides information on printed materials, Chapter 5 provides information on announcements and publicity materials, and Chapter 12 provides information on site accessibility, including provisions for individuals who are blind or have low vision.

### **3.4 Auxiliary aids and services for people with cognitive disabilities**

Individuals with cognitive disabilities, a broad term covering a variety of conditions including intellectual or developmental disabilities, head injury, mental illness, and learning disabilities, often have difficulty processing information that is complex or not presented in an easily understood manner. The key to providing effective communication is often to utilize a communication style which is easy to understand, although it is not always possible to have the person understand all of the information presented, if the disability limits mental processing. However, every opportunity should be made to ensure that information is understood by providing an auxiliary aid or service.

- readers
- communication assistants

- rewording of information to use clear and concise language or repetition
- pictograms
- graphic presentation of information

### **3.5 Auxiliary aids and services for people with speech disabilities**

Providing information, either in print or written format, is not usually a communication barrier to people with speech disabilities, unless there is another disability also present. A person with only speech disabilities has difficulty sending, not typically receiving information. The auxiliary aid or service is intended for the receiver of information, usually the staff of a state program or service, to understand the communication contents of the person with speech disabilities.

The most effective auxiliary aid or service for a person with speech disabilities is usually:

- written material
- more active and acute listening on the part of the listener

Often, a person with speech disabilities with speech that may be difficult to understand will choose to put as much communication in writing. If that is not possible, then other options are:

- communication assistants who are familiar with the individual's speech pattern and who repeat the context of the individual's statement in clear voice
- notetakers
- typewriters or other assistive technology devices such as iPad or tablet with text to voice application.

## CHAPTER 4

### PRINTED INFORMATION

Virtually all departments and agencies of the State of Hawai`i prepare materials in printed format. The printed information may describe the type of programs and services offered, eligibility benefits, general promotional information, data and statistics, location of programs and services, phone numbers, and other information.

The printed information may include brochures, fact sheets, newsletters, press releases, annual reports, master plans, or other similar documents.

EXAMPLE: The Department of Taxation prepares brochures for taxpayers to understand the requirements on filing state income taxes.

EXAMPLE: The Department of Business, Economic Development, and Tourism prepares an Annual Statistical Report accumulating data profiling Hawai`i's population.

EXAMPLE: The Department of Health develops literature on HIV prevention and aggressively distributes the brochures to health centers, clients, and the general public.

EXAMPLE: The Office of Information Practices, Office of the Lieutenant Governor, issues public opinions regarding the state disclosure law. The opinions are open to the public, upon request.

When departments and agencies offer printed information to the public, the information must be made available in an alternate format (e.g., Braille, large print, audio recorder or electronic), if requested, for use by a person who is not able to read the printed format.

Remember that simply reading some information aloud to a person may be enough to communicate the information written on a paper. If this is satisfactory to a person with a visual disability, then producing the document in alternate format may not be necessary. However, if the document is provided in writing to the public and if the person wishes it in alternate format, then the department or agency is obligated to provide it.

All materials do not have to automatically be made available in an alternate format, if no request is made. However, you must know how to obtain the alternate format and be willing to do so in a timely manner for a person when

requested. You should not convey an attitude that the request is either unwarranted or an imposition. Also, it is not appropriate to question the legitimacy of a request for alternate format, nor to ask the user to provide proof of documentation of the individual's inability to read standard print prior to fulfilling the request for alternate format.

If your department or agency is sponsoring an event (e.g., a workshop, conference, training session, tour, open house) you should determine several weeks ahead of time what printed materials will be used as part of the event. Arrangements should be made to provide those materials in an alternate format, if requested, as the time period may be limited.

You may not charge a person who has a disability the cost of producing the material in an alternate format. That is considered a surcharge which is not permissible (see Chapter 2.3). You may charge the same cost for the alternate format material that you charge anyone else for the equivalent amount of printed information.

Alternate format may take several forms. The most common are large print, Braille, audio recorder, and electronic. Each alternate format is different and described below.

#### **4.1 Large print**

Large print is an appropriate format for many people with low vision who still have some residual vision. It is also a relatively easy format to produce by altering the computer font size and format, if the original document was generated on the computer.

- *Refer to **ATTACHMENT E** for guidelines for producing materials in print format.*

#### **4.2 Braille**

Braille is also an appropriate format for some people who are blind. Although only a small percentage of people who are blind are Braille readers, for those who have learned to read Braille, it is highly efficient and desirable. Many people who are born blind have learned Braille since their youth and are as adept and fast at reading Braille as a person who is sighted reading printed materials. Braille readers can also skim material similar to a sighted person skimming printed material. Material in Braille format is also desirable when a reader who is blind would like to have the document for later reference.

Producing materials in Braille usually requires special equipment, training, and additional preparation time.

- Refer to **ATTACHMENT F** for guidelines for producing materials in Braille.

### 4.3 Audio recorder

Audio recorder is often the most efficient alternate format to produce by a department or agency. It is also useful for individuals who have little residual vision and for whom large print is still difficult or who have never learned to read Braille. Producing materials on audio recorder can usually be done in-house, with a modest amount of preparation and common sense, by an individual with an easy-to-hear, non-monotone voice and sufficient time to tape in a quiet location. Audio recorder format has the advantage of being easy to listen to by the user, much as a person would listen to information via a radio. However, audio recording may not be as easily skimmed by the listener, who may have to listen to an entire recording before finding the most useful sections.

- Refer to **ATTACHMENT G** for guidelines for producing audio recordings.

If you make an audio recording for use onsite, make sure that you provide a portable machine with earphones available, on loan, so that the person is able to listen to the recording thoroughly without disturbing other attendees.

### 4.4 Electronic format

Materials in electronic format requested by the person who has a disability can be provided to the person prior to an event.

If materials used are in an electronic format, there is also the option of emailing it ahead of time. The option should be offered to the person who is blind or has low vision. This enables the person to review materials ahead of time.

\*\*\*\*\*

**CHECKLIST  
FOR ENSURING PRINTED LITERATURE  
IS ACCESSIBLE**

YES    NO

\_\_\_    \_\_\_ Arrangements have been made to translate printed materials into large print format, if requested.

■    *Refer to **ATTACHMENT E** for guidelines for producing materials in print format.*

\_\_\_    \_\_\_ Arrangements have been made to translate printed materials into Braille, if requested.

■    *Refer to **ATTACHMENT F** for guidelines for producing materials in Braille.*

\_\_\_    \_\_\_ Arrangements have been made to translate printed materials onto an audio recording, if requested.

■    *Refer to **ATTACHMENT G** for guidelines for producing audio recordings.*

\_\_\_    \_\_\_ If YES, arrangements have been made to have audio recordings with earphones available, on loan, to listen to the recording.

\_\_\_    \_\_\_ Arrangements have been made to provide materials to the participant on a recorder or via email, depending on the person's preference.



## CHAPTER 5

### ANNOUNCEMENTS AND PUBLICITY MATERIALS

If you are hosting an activity or event (e.g., a tour, open house, workshop, or conference) you may often have an announcement or publicity flyer which invites the public to participate or attend the activity or event.

Your activities or events may come in many different forms or shapes. Some may have a registration while others may not. Some may charge a fee while others may not. Some may simply invite the public to provide comment on an activity or document which the department or agency is making available to the general public. The State's obligation to provide access is the same whether the State is the sole sponsor or a co-sponsor of the activity or event.

EXAMPLE: The Department of Land and Natural Resources conducts public hearings when it proposes to amend its administrative rules relating to charging fees for use of state parks.

EXAMPLE: The Office of the Governor conducts public town meetings for the purpose of the Governor answering questions from constituents.

EXAMPLE: The Department of Transportation holds public meetings to receive citizen input about proposed highway realignment in a specific neighborhood.

EXAMPLE: The Department of Hawaiian Home Lands sponsors a public hearing to inform interested persons of a new housing project and eligibility criteria for application.

EXAMPLE: The Hawai'i Community Development Authority attached to the Department of Business, Economic Development, and Tourism sponsors a public meeting to inform the Kaka'ako community of a proposed master plan for the development of new housing and commercial properties.

Announcements, brochures, and publicity materials will play an important role in determining how accessible your activity or event is for people with disabilities. Your announcements will be the primary means by which you inform people with disabilities that you welcome them as part of your audience and are willing to assist in making the activity or event more accessible. Your announcements and other publicity materials need not contain a full

description of all the accessibility features of the activity. They merely need a statement to alert attendees that you have taken accessibility into consideration and then provide the name of a follow-up contact person and accessible phone number (by voice and TTY).

- Refer to **ATTACHMENT H** for sample statements for announcements and publicity materials.

Printed information should ensure maximum readability for individuals who are blind or who have low vision.

- Refer to **ATTACHMENT E** for guidelines on producing materials in print format.

Your announcements should contain your phone number. Ideally, your phone number should be accessible by a TTY for individuals who are deaf, hard of hearing, or have a speech disability. If you do not have a TTY, ensure that your staff are knowledgeable as to how to receive an incoming phone call from a person using the Telecommunications Relay Service (TRS) or Video Relay Service (VRS).

- Refer to **ATTACHMENT J** for information on how to use the Telecommunications Relay Service (TRS) or Video Relay Service (VRS).

All the guidelines in Chapter 4 also apply if you have a request for alternate format for your printed materials.

\*\*\*\*\*

### **CHECKLIST FOR ENSURING ANNOUNCEMENTS, BROCHURES, AND PUBLICITY ARE ACCESSIBLE TO PERSONS WITH DISABILITIES**

YES NO

\_\_\_ \_\_\_ Appropriate wording has been used to inform attendees that requests on the basis of disability can be arranged.

- Refer to **ATTACHMENT H** for sample statements for announcements and publicity materials.

- — The phone number on the announcements, brochures, and publicity materials is accessible via a TTY with a TTY number listed.

- \_\_\_ \_\_\_ If YES, staff is knowledgeable on how to use the TTY.
- *Refer to **ATTACHMENT J** for information on on how to use the Telecommunications Relay Service (TRS) or Video Relay Service (VRS).*
- \_\_\_ \_\_\_ If NO, staff is knowledgeable on how to use the Telecommunications Relay Service (TRS) or Video Relay Service (VRS).
- *Refer to **ATTACHMENT J** for information on how to use the Telecommunications Relay Service (TRS) or Video Relay Service (VRS).*
- \_\_\_ \_\_\_ The announcements, brochures, and publicity materials are typeset for easy reading.
- *Refer to **ATTACHMENT E** for guidelines on producing materials in print format.*

## CHAPTER 6

### REGISTRATION FOR ACTIVITIES OR EVENTS

When hosting an event, such as a conference, workshop, tour, etc., you may have a registration process (usually a form) for enrollment.

**EXAMPLE:** The Department of Taxation sponsors a one-day seminar on the tax code for Certified Public Accountants only. A registration fee is charged and pre-registration is required.

**EXAMPLE:** The Department of Business, Economic Development, and Tourism sponsors an exhibit and exposition on new business opportunities for people interested in starting their own business. There is no fee, but registration is required.

Although the primary reason for registration is usually to control the capacity of the attendance and to collect registration fees, if applicable, your registration process will also be the key to a successful accessible event by using the registration form to obtain specific information regarding the needs of your audience. Knowing your audience is the one way you can successfully plan for their needs. The registration form offers an opportunity for someone with a disability to identify in advance personal needs for assistance or accommodation.

The registration form is an opportunity to obtain the following information:

- If any participant needs materials in an alternate format
- If any participant requires a sign language interpreter or other communication access service
- If any participant requires auxiliary personnel for mobility, eating, or other assistance
- If any participant has special dietary needs
- If any participant needs accessible parking
- If any participant has any other needs relating to disability

Advance registration forms are highly encouraged for events even if you have no registration fee, in order to avoid unanticipated, last minute, or onsite

requests for assistance. You cannot require advanced registration solely for people with disabilities who have requests for accommodations or auxiliary aids or services, because that would establish discriminatory eligibility criteria. If you have an advanced registration process, you must ask all your attendees to register.

Your registration forms should be developed with the same consideration for alternate formats as previously mentioned for printed information in Chapter 4.

- Refer to **Chapter 4** for information to ensure that the printed announcements or publicity materials are accessible.

Ideally, your registration form should also contain your TTY number. Your registration form should ask the participants to list their phone number so that your staff is able to make a follow-up call to the person and confirm that the request has been received and will be honored appropriately. It is also an opportunity to find out if an option other than the one requested on the form is appropriate.

The wording on your registration form should be more specific than the wording on your general announcements or publicity materials.

- Refer to **ATTACHMENT K** for sample statements for registration forms.

\*\*\*\*\*

### CHECKLIST FOR ENSURING THE REGISTRATION PROCESS IS ACCESSIBLE

YES NO

\_\_\_ \_\_\_ Appropriate wording has been used to inform attendees that requests on the basis of disability can be arranged.

- Refer to **ATTACHMENT K** for sample statements for registration forms.

\_\_\_ \_\_\_ The phone number on the registration form is accessible via a TTY and has that TTY number listed.

\_\_\_ \_\_\_ If YES, staff knows how to use the TTY.

- Refer to **ATTACHMENT I** for information on telephone communication devices.

\_\_\_\_    \_\_\_\_ If NO, staff knows how to use the Telecommunications Relay Service (TRS) or the Video Relay Service (VRS).

- *Refer to **ATTACHMENT J** for information on how to use the Telecommunications Relay Service (TRS) or Video Relay Service (VRS).*

\_\_\_\_    \_\_\_\_ The registration form is typeset for easy reading.

- *Refer to **ATTACHMENT E** for guidelines for producing materials in print format.*

## CHAPTER 7

### CATERING OR BANQUET SERVICES

The State of Hawai'i often includes catering of banquet food service as a part of the program, service, or activity conducted. Food service may include formal meals as well as informal receptions and offering of refreshments.

**EXAMPLE:** The Office of the Governor sponsors a reception for a business group at Washington Place. At the reception, in addition to some speeches, pupus are served in a long banquet-style line for all participants to enjoy.

**EXAMPLE:** The Department of Accounting and General Services and the Department of Education hold a groundbreaking ceremony for the construction of a new school. The groundbreaking ceremony consists of presentations as well as refreshments for all invited public officials, the media, and affected community members.

**EXAMPLE:** The Department of Agriculture hosts a conference. During the conference a sit-down luncheon is provided to all attendees as part of the registration fee.

If a department or agency is hosting an activity that will involve food as a part of the program or activity, attention should be paid in the planning to respond to the needs of a person who has a disability. If the activity is a conference, workshop, or training activity with a registration form, the relevant information on an individual's need due to a disability should be made known through the registration process identified in Chapter 6. However, not all catering or banquet services are for events which have a registration form. In those instances, you must be prepared to respond to onsite requests by making the proper contingency plans ahead of time in the event that a request is made.

The manner in which food is served at meals or breaks can affect the participation level of many individuals who have disabilities. If people who are blind or have low vision or have mobility disabilities attend your activity and a meal is provided, a sit-down, rather than buffet-style meal should be discussed with the catering service, since standing in lines and serving food is difficult. However, if a buffet is planned, arrangements should be made to provide assistance in selecting food and carrying plates for persons having limited manual dexterity or stability in carrying food. Also, banquet and catering staff should be appropriately informed ahead of time if individuals



who are blind or who have limited manual dexterity request that their food be cut into smaller portions.

Some people who have disabilities, particularly those with chronic health conditions, have dietary needs, and arrangements should be made with the catering staff to provide special meals (e.g., low sodium, sugar-free, salt-free food), if requested.

\*\*\*\*\*

**CHECKLIST FOR ENSURING  
CATERING OR BANQUET SERVICES ARE ACCESSIBLE**

YES    NO

- |   |   |  |
|---|---|--|
| — | — | Arrangements have been made to provide assistance in selecting food, and/or carrying plates in a buffet-style arrangement, if requested. |
| — | — | Arrangements have been made to inform banquet and catering staff of special food or dietary needs, if requested.                         |

## CHAPTER 8

### PHONE SERVICES

Many departments and agencies provide customer service over the phone. The nature of the “customer service” may vary, including providing information, applying for programs or benefits, registering for events, or reporting information. The “customer” may be a specific group of individuals eligible for the program or service, vendors who conduct business with state departments or agencies, or the public at-large.

Since phone services customarily rely upon transmitting information in spoken or oral format and receiving information in aural or auditory format, the phone is not an accessible means of communication for people who are deaf, hard of hearing, or who have speech difficulties, if a TTY is not available. Use of a TTY or the Telecommunications Relay Service (TRS) ensures accessible phone services.

#### TTYs (Teletypewriters)

TTYs are also known as Text Telephones (TTs) or Telecommunications Devices for the Deaf (TDDs). The preferred terminology among the deaf community is “TTY.”

A TTY is a device, which is used in conjunction with a phone, which permits a person who is deaf, hard of hearing, or has speech difficulties to type messages, which are sent electronically by means of the phone line to the receiver on the other end. The recipient must also have a TTY in order to receive the message on a screen or tape. A TTY is the most direct and effective means of communicating via the phone for a person who is deaf, hard of hearing, or has speech difficulties because it allows direct communication without the need for an intermediary.

Every program or service, which has a TTY, should ensure that its staff is trained in how to use the TTY to receive an incoming call and place an outgoing call. If training is necessary, departments and agencies may contact the Disability and Communication Access Board.

- *Refer to **ATTACHMENT I** for information on telephone communication devices.*

## Telecommunications Relay Service (TRS)

Currently the Sprint Relay Hawai`i operates the relay service in which a communication assistant serves as an intermediary between a TTY user and a voice user. The Telecommunications Relay Service (TRS), in many circumstances, can provide a means for communication. Every program or service which has public phone access must ensure that all employees who use the phone know how to use the TRS to initiate an outgoing call or receive an incoming phone call, especially if there is no TTY available.

With advances in technology, deaf people are choosing to use Video Relay Services (VRS) more than the TRS. With the VRS, the deaf person communicates via a sign language interpreter instead of a communication assistant who uses a TTY. The sign language interpreter voices for the deaf caller to the hearing person receiving the phone call, and signs what is said to the deaf person on the call. Using the VRS is another type of relay service for the deaf person who uses American Sign Language to make a phone call. Your department or agency must accept TRS or VRS phone calls in the same manner as a person without a disability.

- Refer to **ATTACHMENT J** for information on how to use the Telecommunication Relay Services (TRS) or Video Relay Service (VRS).

### **8.1 Emergency services**

Some phone contact within departments or agencies of the State of Hawai`i are considered emergency in nature. Those programs must ensure that contact with people who are deaf, hard of hearing, or speech impaired is direct through the use of a TTY. Use of the TRS is not appropriate for an emergency service.

EXAMPLE: The Hawai`i Health Systems Corporation provides emergency room services at its hospitals. One means of accessing the emergency room services is by phone. A TTY would be required to ensure accessible communication.

### **8.2 Hot lines and other “special lines”**

Some phone services conducted by departments and agencies of the State of Hawai`i are hotlines, customer complaint lines, or other special lines which are designated for a specific purpose to receive or impart information by an employee with knowledge on how to respond to the inquiries. These phone lines may be accessed through the TRS,

although it is highly recommended that programs give serious consideration to the placement of a TTY in those offices due to the confidentiality of the information conveyed or the importance of having a timely response.

EXAMPLE: The Department of Human Services operates a hotline for reporting suspected child abuse and neglect. Social workers are trained to respond to the calls as soon as possible and often discuss confidential information about families or children. Although a TTY is not required, it is highly desirable because of the confidential and private nature of the phone discussion, as well as the urgency of the information to be conveyed.

EXAMPLE: The Department of Health operates an STD/AIDS hotline for the dissemination of information about HIV, AIDS, and other sexually transmitted diseases. Health workers discuss private and confidential medical information. Although a TTY is not required, it is highly desirable because of the confidential and private nature of the phone discussion.

EXAMPLE: The Department of Labor and Industrial Relations has an Affirmative Action Office which, among other things, receives complaints from people with disabilities who believe that they have been discriminated against by the Department of Labor and Industrial Relations. Although a TTY is not required, it is highly desirable because of the confidential and private nature of the phone discussion.

### **8.3 Regular phone contact with the public**

Most departments and agencies of the State of Hawai'i have some contact with the public by phone. The contact may be infrequent or routine. In these programs, it is up to the program administrator to determine the need for a TTY. A TTY is not required in these programs, although certainly encouraged in order to provide greater access for people who are deaf, hard of hearing, or have speech disabilities.

EXAMPLE: The Department of Hawaiian Home Lands has a program which has contact with the public through the use of the phone when an individual wishes to know how to apply for a home. A TTY is not required. Use of the TRS would most likely suffice, provided that all people in the program who use the

phone are familiar with how to use the TRS. However, the program may wish to consider increasing its access by providing TTY access as an option.

EXAMPLE: The Department of Business, Economic Development, and Tourism provides general information on how to start a business in Hawai'i to any interested resident. A TTY is not required. Use of the TRS would most likely suffice, provided that all people in the program who use the phone know how to use the TRS. However, the program may wish to consider increasing its access by providing TTY access as an option.

\*\*\*\*\*

### CHECKLIST FOR ENSURING TELEPHONE SERVICES ARE ACCESSIBLE

YES NO

- All emergency phone services are equipped with a TTY.
- All staff handling emergency and non-emergency phone lines which are equipped with a TTY have been trained on how to use a TTY.
  - *Refer to **ATTACHMENT I** for information on telephone communication devices.*
- All staff handling non-emergency phone lines which are not equipped with a TTY have been trained on how to use the TRS or the Video Relay Service (VRS).
  - *Refer to **ATTACHMENT J** for information on how to use the Telecommunications Relay Service (TRS) or Video Relay Service (VRS).*

## CHAPTER 9

### AUXILIARY SERVICES

Auxiliary services are tools provided to assist a person with a disability to access a program or service.

#### 9.1 Qualified sign language interpreter

The use of a “qualified interpreter” is probably one of the least understood requirements in communication access. When an interpreter is necessary, a “qualified” interpreter must be obtained. Qualification often correlates with certification level, but certification is not a requirement under the Americans with Disabilities Act. Effective communication is the requirement. A “qualified interpreter” is an individual who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary.

- Refer to **ATTACHMENT L** for guidelines for utilizing sign language/English interpreters.

Often, people accompanying a person who is deaf or hard of hearing can provide interpreting services, but a department or agency cannot require a person who is deaf or hard of hearing to provide his or her own interpreter as a prerequisite to participation, because it is the responsibility of the State to provide and pay for a qualified interpreter. Also, in most situations, it is not appropriate to use a family member or companion as an interpreter because the person’s presence at the transaction may violate the individual’s right to confidentiality, or because the friend or family member may have an interest in the transaction that is different from that of the involved person who is deaf. A person who is deaf has the right to request an impartial interpreter. The obligation to provide “impartial” interpreting services requires that the department or agency provide an interpreter who does not have a personal relationship to the individual with a hearing disability. The State may, however, accept the services of a family member or friend or a volunteer, provided communication is effective, impartial, and at the request of the person who is deaf or hard of hearing.

It may be difficult due to schedule or geography to secure an onsite interpreter. In those situations, video remote interpreting (VRI) services

may be used. VRI uses a webcam or videophone to provide sign language interpreting services remotely or offsite interpreter.

- Refer to **ATTACHMENT M** for guidelines on utilizing the video remote interpreting (VRI) services.

## 9.2 Realtime captioning service providers

Realtime captioners provide simultaneous visible transcription of the speaker's words and are usually trained court reporters. Realtime captioning involves the use of a stenographic machine, a laptop computer, realtime captioning software, and a caption encoder for putting the words on a screen. Realtime captioning services are especially useful for those people who are deaf or hard of hearing who do not use sign language and for large group events or meetings.

- Refer to **ATTACHMENT N** for guidelines on utilizing realtime captioners.

## 9.3 Computer-assisted notetakers

Computer-assisted notetakers (CAN) provide communication access for individuals who are deaf or hard of hearing. The CAN facilitates participation at meetings or in classrooms and interaction with other people. The CAN provides a summary or notes of a speaker's words typed into a laptop computer and displayed on its screen.

- Refer to **ATTACHMENT O** for guidelines on utilizing computer-assisted notetakers.

## 9.4 Auxiliary personnel

Personal assistants are usually utilized to help a person who has limited mobility or who has a visual disability. A personal assistant may perform any of the following functions, depending upon an individual's specific needs:

- provide orientation and mobility assistance for a person who is blind or who has low vision;
- assist with handling books, materials, or other bulky items for someone who has a mobility and/or visual disability;
- assist with cutting up food at a meal or carrying a plate at a buffet meal for someone with limited manual dexterity;



- assist with opening doors or reaching for items for someone who has a mobility disability.

It is usually not necessary to assign a personal assistant on a one to one basis for the entire duration of a training activity. By inquiring in advance of an individual's needs, one personal assistant will often suffice to meet the needs of several individuals who have disabilities. Assistance with toileting, dressing, or other activities of a personal nature need not be provided.

Notetakers are utilized to prepare written notes of information presented. If an individual has a visual disability, that person may not be able to see written charts, graphs, or other information that a speaker presents on a blackboard, flip chart, etc. If an individual has a learning disability, the person may not be able to comprehend or grasp all of the information. If an individual has a physical disability due to quadriplegia or has limited manual dexterity, the person may simply not be able to write at a speed which is necessary to capture all the information. In any of these scenarios, a notetaker would then be used to write down information for the person. Of course, any copies of notes, speeches, etc., from a presenter at a conference or workshop which can be given out would minimize the need for notetakers.

\*\*\*\*\*

### CHECKLIST FOR PROVIDING AUXILIARY SERVICES

YES    NO

\_\_\_    \_\_\_    Appropriate program staff know how to hire a sign language interpreter, appropriate for the situation, if requested.

■        *Refer to **ATTACHMENT L** for guidelines for utilizing sign language/English interpreters.*

\_\_\_    \_\_\_    Appropriate program staff know how to hire realtime captioners, appropriate for the situation, if requested.

■        *Refer to **ATTACHMENT N** for guidelines on utilizing realtime captioners.*

\_\_\_    \_\_\_    Appropriate program staff know how to hire a computer-assisted notetaker, appropriate for the situation, if requested.

- Refer to **ATTACHMENT O** for guidelines for utilizing computer-assisted notetakers.

— — Appropriate program staff know how to hire auxiliary personnel, appropriate for the situation, if requested.

## CHAPTER 10

### SERVICE ANIMALS

The Americans with Disabilities Act describes a service animal as any “guide, signal or service dog, trained to provide assistance to an individual with a disability.”

- Refer to **ATTACHMENT P** for information on service animals in the State of Hawai`i.

A service animal is NOT a pet. As a state agency, if you have a “no pets policy,” you must modify your policy to allow the use of a service animal by a person with a disability. This does not mean that the “no pets” policy must be abandoned altogether, but simply that an exception must be made to your general rule for service animals.

EXAMPLE: The Department of Accounting and General Services operates places of voting for elections. Even if pets are not permitted by policy, there must be a modification of the policy to permit service dogs.

EXAMPLE: The cafeteria of the Kapiolani Community College allows faculty, students, and public guests to eat on an individual pay basis. Even if pets are not permitted by policy, there must be a modification of the policy to permit service dogs.

EXAMPLE: The Department of Land and Natural Resources operates camping facilities. Pets are not permitted. However, there must be a modification of the rule to permit service dogs.

A service animal must be permitted to accompany the individual with a disability to all areas of your facility where the public is normally allowed to go. An individual with a service animal may not be segregated from other people. Limitations are rare and only for those areas where health and safety may be compromised or where doing so would result in a fundamental alteration of the nature of the program, activity, or service.

EXAMPLE: The Department of Education is hosting a performance in the auditorium of a high school. A person with a disability brings their service dog. However, the animal is disruptive by uncontrolled barking during the performance. The owner may be asked to remove the dog from the premises.

EXAMPLE: The Hawai'i Health Systems Corporation provides in-patient medical services. A patient who is in labor in the delivery room is coached through Lamaze by her husband who has a disability. However, the presence of the animal in the delivery room poses a direct threat to the health of others. The owner may be asked to remove the animal from the restricted area of the hospital.

A deposit, maintenance fee, or surcharge may not be imposed on an individual with a disability as a condition for allowing a service animal to accompany the individual, even if deposits are routinely required for pets. However, a person with a disability may be charged if a service animal causes damage so long as it is a regular practice to charge customers without disabilities for the same types of damages.

EXAMPLE: The University of Hawai'i operates classrooms for post-secondary instruction. A person with a disability is allowed to bring a service dog to the class. However, the animal jumps on the tables in a laboratory and breaks equipment. The owner may be asked to remove the animal from the premises. The owner may also be asked to pay for the damages caused by the animal, if it is the policy of the University to charge other students who break equipment when they cause damages.

\*\*\*\*\*

**CHECKLIST FOR ENSURING A  
FACILITY OR SITE IS ACCESSIBLE TO PEOPLE WITH SERVICE  
ANIMALS**

YES NO

\_\_\_ \_\_\_ Does the facility where your program or service is offered have a "no pets policy"?

\_\_\_ \_\_\_ If YES, is there an exception for service dogs?

\_\_\_ \_\_\_ Does the staff know how to approach and interact with individuals with service dogs?

\_\_\_ \_\_\_ Does the facility have a designated area for a person with a disability to take a service dog to relieve itself?

— — Does the department or agency have a policy which requires the public to pay for damages incurred as a result of their negligence or intent?

## CHAPTER 11

### AUDIO AND AUDIOVISUAL COMMUNICATIONS

Departments or agencies that broadcast information to the public through audiovisual means, must ensure that materials are accessible to individuals with disabilities. These may include videos, public service announcements for either television or radio, or the production or hosting of television or radio shows.

#### 11.1 Video

Videos developed for educational or promotional purposes by a department or agency are examples of a program, service, or activity which must be accessible to individuals with disabilities. Since videos are usually developed with a voiced script, they are often not accessible when viewed by an audience which includes people who are deaf or hard of hearing.

**EXAMPLE:** The Department of Health develops a video for children on Hepatitis B transmission. The video is used as an educational tool in Hepatitis B prevention. This video must be accessible to persons who are deaf or hard of hearing.

**EXAMPLE:** The Department of Business, Economic Development, and Tourism develops a video which assists business owners in the community to know how to start their own business. This video is loaned out to the public. This video must be accessible to persons who are deaf or hard of hearing.

**EXAMPLE:** The Natural Energy Laboratory of Hawai'i Authority develops a video which explains new research in developing alternate energy resources in Hawai'i. This video is used for educational purposes, as well as to attract businesses to Hawaii. This video must be accessible to people who are deaf or hard of hearing.

When you develop a video, consideration should be given to using captions, as well as preparing a written transcript of the video to ensure maximum viewing by all audiences in the future. Captioning will be off-line captioning (since it is not live) and can either be open- or closed captioned. Remember that if you choose closed captioning, your video's captions will not show up on most screens unless it is set

to show the captioning. Therefore, it is better to open-caption your video, which can be used on any machine. An open-captioned video is also useful for an audience in a noisy setting.

- Refer to **ATTACHMENT Q** for information on captioning, transcripts, and audio/video description.

You may choose to produce videos interpreted by a sign language interpreter, who interprets the content while filmed in a “bubble inset” placed on the lower corner of the video screen. Although this does provide some access, captioning is the preferred means of access, since a smaller percentage of people who are deaf and hard of hearing have the ability to understand sign language compared to those who may be able to read. In addition, the sign language interpreter in the “bubble inset” can often be quite small, making the interpreter difficult to view and understand.

When using or buying a video from another source as part of a program, service, or activity, always check to see if there is a captioned version available. As stated earlier, if given the choice, always choose an “open-caption,” rather than a “closed caption” version. If no captioned version is available and a deaf or hard of hearing person is a part of the program, provide a sign language interpreter (see Chapter 3.3.1) or provide a written transcript of the video.

## **11.2 Public service announcements**

When departments or agencies engage in public awareness and promotional efforts, public service announcements (PSAs) on the television or radio are often used.

**EXAMPLE:** The Department of Health develops a PSA to encourage teenagers to stop smoking. The PSA is to be aired on television stations as part of a month-long campaign to reduce lung cancer. The PSA must be developed to be accessible to persons with disabilities.

**EXAMPLE:** The Office of Elections develops a PSA to inform the public of their right to vote and how to register. The PSA is to be aired on radio stations prior to the elections to encourage voter turnout. The PSA must be developed to be accessible to persons with disabilities.



Similar to the development of videos, if you are developing the PSA for television, consideration should be given to using captions as well as preparing a written transcript of the PSA. The captioning will be off-line (since it is not live) which can either be open- or closed captioned. It is better to open-caption the PSAs. An open-caption PSA is also useful for a hearing audience for viewing in a noisy setting.

Under the Americans with Disabilities Act, if you receive federal funds to produce your video PSA, it must be captioned.

- Refer to **ATTACHMENT Q** for information on captioning, transcripts, and audio/video description.

You may choose to have your PSA interpreted with a sign language interpreter, who translates the content while filmed in a “bubble inset” placed on the lower corner of the screen. Although this does provide some access, captioning is a preferred means of access, since a smaller percentage of deaf and hard of hearing people have the ability to understand sign language compared to those who may be able to read. In addition, the sign language interpreter in the “bubble inset” can often be quite small, making the interpreter difficult to view and understand.

If you develop your PSA for airing on the radio, neither captioning (in any form) or the use of a sign language interpreter will convey the message to a person who is deaf or hard of hearing. Thus, the only reasonable way you can make your PSA accessible is to have a written transcript or copy of the for-print PSA available, upon request.

### 11.3 Television programs

Television programs are produced by several State of Hawai`i departments or agencies, particularly for educational purposes. These shows must be accessible to persons who cannot receive the information in the same format.

EXAMPLE: The Office of the Governor routinely holds a broadcast program for airing on television with the Governor’s messages or speeches. This program must be made accessible to individuals who are deaf or hard of hearing.

- Refer to **ATTACHMENT Q** for information on captioning, transcripts, and audio/video description.

Similar to the development of videos or PSAs, television programs must be made accessible to persons with communication limitations. Consideration should be given to using captions as well as preparing a written transcript of the program. The captioning will be off-line if the show is pre-programmed, either as open- or closed captioned. It is better to open-caption the program, which can be viewed on any television screen.

When a program of the State of Hawai`i is aired as a live television program, additional considerations need to be taken in order to provide access for persons with disabilities. Hawai`i Public Television offers a live, call-in show with two-way interaction with the listening/viewing public. This program must be made accessible to individuals who are deaf or hard of hearing.

A television show with audio will not be accessible to a person who is deaf or hard of hearing. Off-line captioning, whether open or closed, will not work for live television, since off-line captioning requires advanced scripting and editing to add the captioning prior to airing. In this case, the program must consider either realtime (live) captioning or the use of a sign language interpreter in the studio. Both options will provide simultaneous communication during the live, possibly unscripted, dialogue of the participants.

- *Refer to **ATTACHMENT L** for guidelines for utilizing sign language/English interpreters.*

Don't forget that if your live television show allows the home viewing audience to call in to ask questions, talk with the participants, donate money to a telethon, etc., you should provide a TTY on the phone line to allow a person who is deaf, hard of hearing, or have a speech disability to call in. Your staff should be trained to be able to receive incoming calls.

- *Refer to **ATTACHMENT J** for information on how to use the Telecommunication Relay Services (TRS) or Video Relay Service (VRS).*

Your responsibility as a State department or agency occurs when the State sponsors or hosts the program. If you are an invited guest speaker or participant on someone else's show, they are responsible for the access obligations.

## 11.4 Radio programs

Some departments or agencies of the State of Hawai`i may develop a program or service on the radio as part of their outreach to the public.

EXAMPLE: The Office of the Governor sponsors a radio show in which the Governor fields questions about government services. The radio show is a program that must be accessible to people who are deaf or hard of hearing.

EXAMPLE: The Department of Health sponsors a program on the radio to teach children sex education. The radio show is a program that must be accessible to people who are deaf or hard of hearing.

If you develop your radio program, neither captioning (in any form) or the use of a sign language interpreter will convey the message to a person who is deaf or hard of hearing. Thus, the only reasonable way you can make your program accessible is to have a written transcript or a copy of the for-print PSA available, upon request.

Your responsibility as a State department or agency occurs when the State sponsors or hosts the program. If you are an invited guest speaker or participant on someone else's show, they are responsible for the access obligations.

\*\*\*\*\*

### CHECKLIST FOR ENSURING THAT AUDIO AND AUDIOVISUAL COMMUNICATIONS ARE AVAILABLE

YES NO

\_\_\_ \_\_\_ Videos and television public service announcements or shows have been captioned or interpreted with a sign language interpreter on the tape.

- Refer to **ATTACHMENT Q** for information on captioning, transcripts, and audio/video description.

- \_\_\_ \_\_\_ If "NO," a written transcript is available to accompany the video or television PSA.
- \_\_\_ \_\_\_ Radio PSAs or programs have an accompanying written transcript available.
- \_\_\_ \_\_\_ Live television shows with call-in options for the public have a TTY with trained staff on the phone line.

## CHAPTER 12

### FACILITY ACCESS

It is the policy of the State of Hawai`i to ensure that buildings, facilities and sites where we choose to operate our programs, services, or activities do not present architectural barriers which impede utilization by individuals with disabilities. This policy is reaffirmed by the Governor's Administrative Directive 12-06 Accessibility to State Government by Persons with Disabilities.

- Refer to **ATTACHMENT C** for a copy of the Governor's Administrative Directive 12-06 Accessibility to State Government for Persons with Disabilities.

This Chapter provides you with the basic information on both the administrative requirements for construction, as well as the technical design specifications for an accessible facility.

#### 12.1 New construction and alteration of buildings and facilities

The Americans with Disabilities Act (ADA), Title II, requires that all new construction and alterations of state government buildings facilities, and sites be accessible to individuals with disabilities. Hawai`i State law, §103-50, also has a similar requirement. It states that all new construction and alterations of buildings, facilities, and sites by the state, or on behalf of the state, shall be fully accessible to and usable by people with disabilities.

The concept of "fully accessible to and usable by people with disabilities" means that the buildings, facilities, and sites must comply to a specific design guideline, as adopted by a federal enforcing authority. In federal law, this design guideline is known as the Americans with Disabilities Act Accessibility Guidelines, also known as ADAAG. State law also adopts the same federal design guideline, but gives the state the authority to adopt additional design guidelines which might exceed the federal ADAAG. Additional guidelines may be adopted in the near future.

The State of Hawai`i has set up a process for the review of state construction or alteration projects by the Disability and Communication Access Board to ensure that the design requirements for people with disabilities are met.

If your department or agency is in the planning or construction phase for a building or facility, whether it be new construction, or alteration, you should ask your Department Capitol Improvement Project (CIP) Coordinator or other appropriate facility staff responsible for the new construction or alteration design, if the plans have been reviewed for accessibility by the Disability and Communication Access Board.

## **12.2 Existing state buildings and facilities**

If your program or service is occupying space in a state building or facility not under construction or alteration, but existing prior to the enactment of the new construction requirements of the Americans with Disabilities Act, you still have an obligation to make sure your program or service is not excluding people with disabilities due to facility inaccessibility.

If the site of your program, service, or activity is not accessible, you may “solve” the problem by:

- upgrading your building to meet certain minimum facility requirements for program access; or
- making administrative changes, such as relocating programs or services from one site to another, or changing the manner in which the program, service, or activity is offered.

Your department or agency is required to have a TRANSITION PLAN, which outlines the physical barriers at all the sites where programs and services are held, and prioritizes the removal of those barriers, with cost estimates. If you are unaware of the existence of a TRANSITION PLAN or want to know when a specific building, facility, or site is being planned for removal of barriers, contact the ADA Coordinator for your department or agency.

## **12.3 Private facilities leased by the State**

If your program, service, or activity is being operated in a facility which is not state-owned, but leased from the private sector, you still have an obligation to make sure your program or service is not excluding people with disabilities due to facility inaccessibility.

If the site of your program, service, or activity is not accessible, you may “solve” the problem by:

- upgrading the building to meet certain minimum facility requirements for program access, either through direct payment by the state or by agreement with the lessor; or
- renegotiating the changes into the lease renewal; or
- moving to another, more accessible location.

If negotiation of the lease is necessary or a move to an alternate site is needed, the analysis will be done in conjunction with the Leasing Branch of the Department of Accounting and General Services, which has established minimum standards for accessibility prior to entering or renewing a lease agreement.

#### **12.4 Components of an accessible site for a program, service or activity**

Finding a location which is physically accessible is critical to ensuring equal access for all people who have disabilities. The components of an accessible site include the following features:

- an accessible route from a public transportation stop to an accessible entrance
- an accessible passenger loading zone with an accessible route to an accessible entrance
- accessible parking spaces with an accessible route to an accessible entrance
- accessible interior routes within the building, including elevators, hydraulic wheelchair lifts, ramps
- an accessible men's and women's restroom or unisex restroom
- an accessible water fountain along an accessible route
- an accessible public telephone along an accessible route
- accessible meeting or event rooms
- assistive listening systems

- conveniently located accessible lodging, if overnight stays are involved
- accessible emergency exit

It is important to remember that a site's accessibility features are critical, not only to individuals with mobility disabilities, but also to individuals with visual and hearing disabilities.

You cannot assume that a site is accessible even if staff at the site indicate so. Staff at many properties often incorrectly assume that their location is "accessible" to people who have disabilities simply because they recall that a prior individual with a disability used the site.

The term "accessible" means that an element on site meets the requirements of a design guideline, as adopted by an enforcing authority. Newer buildings will tend to be more accessible. But that does not mean that new sites should be presumed to be fully accessible; nor should older sites be excluded from consideration simply due to their age, as many older properties have been upgraded for accessibility. When in doubt check out the site yourself.

■ Refer to **ATTACHMENT R** for a checklist on site accessibility.

When you are selecting a site for a conference, workshop, or other training activity, used on a one-time basis, there are some additional considerations and challenges which must be taken into account. The arrangement in the meeting rooms are important to provide full access and comfort for people with disabilities. The meeting rooms should be set up for your audience to allow people with mobility disabilities, especially people who use wheelchairs, to sit dispersed throughout the audience. The seats should be arranged so that a person using a wheelchair is able to sit with a companion or work colleague during the session. Staff should be notified to remove chairs, upon request, after the person with a disability chooses his or her seat or location. The chairs should not be removed in advance unless seats are assigned, as such an action would preclude a person who has a disability from choosing a location of personal preference. A very convenient seating style, particularly for classroom set up, is a modified "V" or angled seating pattern, as it provides for greater mobility in the middle of the room, plus good visibility.



You should also remember to set up your training with an area to permit a sign language interpreter to be as close to the main speakers as possible. If a sign language interpreter is used, remember to set up reserved seats for people who are deaf or hard of hearing in the line of sight to view the interpreter.

People who are blind or who have low vision will also need to sit up front to have closer access to the speakers and to see visual presentations as well.

The facility manager should be prepared to set up assistive listening systems, if requested by a person who is hard of hearing.

- Refer to **ATTACHMENT S** for information on assistive listening systems and devices.

\*\*\*\*\*

### CHECKLIST TO ENSURE FACILITY ACCESS

YES NO

\_\_\_ \_\_\_ Planned new construction or alteration: For a building, facility, or site under new construction or undergoing a planned alteration... have the plans and specifications been reviewed by the Disability and Communication Access Board for conformance to appropriate design requirements?

If NO, consult with your Department ADA Coordinator, CIP Coordinator, or Facility Coordinator.

\_\_\_ \_\_\_ Existing state-owned site: For an existing building or facility with no planned alteration... does the existing building or facility meet minimum requirements for program access for persons with disabilities?

- Refer to **ATTACHMENT R** for information on site access.

If NO, consult with your Department ADA Coordinator, CIP Coordinator, or Facility Coordinator to ensure that the building or facility has been included in your Departmental TRANSITION PLAN for the removal of barriers.

\_\_\_\_\_ Existing leased site: For an existing leased building or facility with no planned alteration... does the existing building or facility meet minimum requirements for program access for persons with disabilities and the Comptroller's minimum guidelines for leased space?

- Refer to **ATTACHMENT R** for information on site access.

If NO, consult with your Department ADA Coordinator, CIP Coordinator, or Facility Coordinator to ensure that the building or facility has been included in your Departmental TRANSITION PLAN for the removal of barriers or has been scheduled to be moved to another location.

\_\_\_\_\_ Site for a meeting or activity: For a building or facility scheduled to be used for a one-time workshop, conference, or activity... has the site been surveyed to ensure that it is appropriate and accessible for participants with disabilities?

- Refer to **ATTACHMENT R** for information on site access.

If NO, select another site.

## **ATTACHMENT A**

### **LANGUAGE AND TERMINOLOGY RELATING TO PERSONS WITH DISABILITIES**

#### **Why is the correct terminology important when referring to a person with a disability?**

Language is the basis of your thoughts and attitudes about people with disabilities. Terminology continually evolves. Staying current is important, not to show that you are “politically correct,” but to communicate effectively and appropriately on the subject of disability. Without being aware of what is current and appropriate language, a person may inadvertently offend another person or convey a message that they did not intend to convey. Using “people first” language emphasizes the individual and not your perception of any possible limitation caused by the presence of a disability.

#### **What does “people first” language mean?**

It means that you refer to a “person” first, then to his or her disability. For example, say a “person with a disability” rather than a “disabled person.” If you refer to an individual’s disability, (i.e., blind person, deaf person, etc.), you inappropriately make that characteristic more important than the person.

#### **When should I mention that a person has a disability?**

Use common sense. Let your choice of words be guided by an awareness of how people prefer to be described. Mention a person’s disability only if it is relevant to the issue. If it is not relevant, don’t mention it. Even more importantly, when you know a person’s name, use it first rather than an indirect reference to a “person with a disability.”

#### **How do I avoid segregation when talking about people with disabilities?**

Be careful not to use language like “we or they,” which suggests segregation. Avoid grouping all individuals with disabilities together. For example, do not refer to a particular group as “the disabled,” “the deaf,” or “the blind.”

## **I've heard so many different ways to describe persons with disabilities. How do I know what is correct?**

Avoid trendy terminology like “challenged,” “handi-capable,” “differently-abled,” or “physically-challenged.” These terms are mostly invented and used by people without disabilities. Some people with disabilities may choose these terms, but the majority believe these terms are condescending and prefer they not be used. Most people with disabilities prefer to be called a “person with a disability” or a “person who has a disability.”

## **What is the proper way to speak to or write about someone who has a disability?**

In speaking or writing, remember that children or adults with disabilities are like everyone else -- except they happen to have a disability. Therefore, here are a few tips for improving your language related to disabilities:

- speak of the person first, then the disability
- emphasize abilities, not limitations
- don't give unsolicited praise or attention to a person with a disability; don't patronize the person

## **How are the words “Impairment,” “Disability,” and “Handicap” different?**

Each of these words has a distinctly different meaning. The following are definitions for each:

- **Impairment:** A deviation from normal development, structure or function. Examples where impairments can occur are: hearing (nerve damage), visual (glaucoma), mobility (crushed vertebrae causing paralysis).
- **Disability:** Refers to a functional limitation. Examples of disabilities are: 75% loss of hearing, tunnel vision, or paralysis from the neck down.
- **Handicap:** A situational disadvantage that people with disabilities often face. Examples of handicaps would be: a place of service not having a teletext typewriter (TTY) so that a person with a hearing loss can directly communicate with them by phone, or a person with tunnel

vision not being able to obtain a driver's license. A handicap for a person with paralysis who uses a wheelchair would be when that person cannot get into a building because the only entrance has stairs.

**What words should I use or avoid when referring to a person with a disability?**

<b>SAY</b>	<b>AVOID</b>
Person with a disability	Cripple, Handicap, Invalid
Person who has... Person with...	Victim of, stricken with, afflicted with
Person who uses a wheelchair	Confined to a wheelchair, wheel-bound, restricted to a wheelchair
Person without a disability	Normal (implies that people with disabilities are abnormal)
Person who is deaf, hard of hearing or without speech who communicates in sign language	Deaf-mute, deaf and dumb
Person with mental illness or an emotional disorder	Crazy, insane, deranged
Person who has seizures	Fits, spastic
Person who has a congenital disability or a disability that has existed from birth	Birth defect
Person with intellectual/developmental disabilities	Retard, imbecile, moron
Person who has Down's Syndrome	Mongoloid
Person who has Hansen's Disease	Leper, person with leprosy
Person who has epilepsy	Epileptic
Person who has a condition	Disease (unless it is a disease)

<b>SAY</b>	<b>AVOID</b>
Person who has a cleft lip	Harelip
Person who is paralyzed	Invalid or paralytic
Person who has hemiplegia	Hemiplegic
Person who has quadriplegia	Quadriplegic
Person who has paraplegia	Paraplegic
Person of short stature	Dwarf or midget
Person who has cerebral palsy	Palsied, or C.P., or spastic

## ATTACHMENT B

### GOOD CUSTOMER SERVICE PRACTICES TO KEEP IN MIND AS YOU ENCOUNTER MEMBERS OF THE PUBLIC WHO HAVE DISABILITIES

#### What do I do when a person with a disability enters my program?

Do not be afraid to make a mistake when meeting someone with a disability. Try following the suggestions below and imagine how *you* would react if you were in a similar situation. Keep in mind that a person who has a disability is a person and, like anyone, is entitled to the dignity, consideration, respect and rights you expect for yourself.

- **Place the person before the disability** out of respect for individual uniqueness. Say “person with a disability” rather than “disabled person.”
- **Avoid referring to a person by the disability that person has**, e.g., “an epileptic.” A person is not a condition. Rather, the individual is “a person who has epilepsy.”
- **A person is not “bound” or “confined” to a wheelchair.** The individual uses the wheelchair to increase mobility and to enhance independence. It is more accurate to say, “person who uses a wheelchair” or “wheelchair user.”
- **Treat adults as adults.** Address a person with a disability by the person’s first name only when extending the same familiarity to all others present. (Never patronize a person by patting the person on the head or shoulder.)
- **Relax.** If you don’t know what to do, allow the person who has a disability to help put you at ease.
- **If you offer assistance, wait until the offer is accepted.** Then listen for or ask for instructions. Respect the person’s right to indicate the kind of help needed. Do not be offended if your help is not accepted, and you need not insist. Some people may be able to help themselves.
- **Speak directly to the person with the disability.** Even if the individual with a disability is accompanied by a friend or family member, remember that your conversation is with that person, not the friend or family member.

- **Be considerate** of the extra time it may take for a person with a disability to get things said or done.
- **Keep a clipboard handy** at the service counter for an individual unable to reach or to use the counter when signing papers.
- **Know where accessible services are located.** Learn where the accessible restrooms, dressing rooms, drinking fountains, and telephones, including TTYs and telephones with amplification, are located.

The following are some suggestions about how to interact with individuals who have specific disabilities:

### **PEOPLE WITH HEARING DISABILITIES (DEAF OR HARD OF HEARING)**

- **Ask** people how they prefer to communicate.
- **To get the attention of a person with a hearing disability,** lightly touch the individual or wave your hand. Look directly at the person and speak clearly and expressively to establish whether or not the person can read your lips. Not all people who are deaf or hard of hearing can lipread. For those who do lipread, be sensitive to their needs by positioning yourself facing them and the light source. Keep your hands or other objects away from your mouth when speaking.
- **Use a normal tone of voice** unless you are asked to raise your voice. Shouting or exaggerating your words will not help.
- **If you cannot understand what is said,** ask the person to repeat it or write it down. Do not act as if you understand unless you do.
- **If the person cannot lipread,** you can try communicating by writing notes. However, an individual who is deaf may not be proficient in written English because American Sign Language (ASL), may be the person's first language.
- **If a person who is deaf uses an interpreter,** always speak directly to the person, not the interpreter.



## PEOPLE WITH SPEECH DISABILITIES

- **If you have trouble understanding a person's speech**, do not be afraid to ask the person to repeat what the person is saying even three or four times. It is better for the person to know that you do not understand rather than making an error or doing the wrong thing. If you still cannot communicate, try using paper and pen. Communication is your goal.
- **Repeat what you heard back to the person.** Ask if you understood correctly.
- **Speech disabilities do not imply limited intelligence.** A person with a speech impairment does have things to say worth understanding.
- **Do not simplify your own speech or raise your voice.** Remember, the person can hear and understand you.

## PEOPLE WITH PHYSICAL DISABILITIES

- **Shake hands when it is appropriate.** A person with limited hand use or who uses a prosthesis can usually shake hands.
- **Don't lean or hang on to a person's wheelchair.** This is similar to leaning or hanging on a person and is generally considered annoying. The chair is part of the personal body space of the person who uses it. Stand next to the person's wheelchair rather than lean or hold on to it.
- **Ask if the person needs assistance. If yes, let the person know when you are ready to start pushing his or her chair.** Don't go too fast. Be aware of the distance between the chair and other people. It is embarrassing for you and the person to "clip" strangers. When negotiating up or down steps, ramps, or curbs, ask the person how the person would like to proceed.
- **Try to position yourself at eye level.** When speaking to a person using a wheelchair for more than a few minutes, try to find a seat for yourself so the two of you are at eye level.
- **Ask for permission** before moving someone's cane, crutches, or walker.

## PEOPLE WITH COGNITIVE DISABILITIES

This disability includes individuals with intellectual/developmental disabilities, mental illness, head injuries, learning disabilities, strokes, and other people who may experience difficulty processing information. Interact with the person who has a cognitive disability as a person first.

- **If you are not being understood**, adjust your method of communicating by using concrete rather than abstract terms. Use direct words and/or gestures, easy diagrams, or demonstrations. For example, demonstrating how to use a key card to open the door. Allow time for the information to be fully understood.
- **Present your information** in a clear, concise, concrete and simple manner. Sometimes supplementary forms of visual communication (such as gestures, diagrams, or demonstrations) are helpful.
- **When necessary, repeat information** using different wording or a different communication approach. Allow time for the information to be fully understood.
- **Allow time** for people who may respond slowly. Remember that a slow response or lack of response does not necessarily mean the individual is not aware of you or what you said. Allow time for an individual with an intellectual/developmental disability to respond, in their own manner.
- **When offering help**, wait until your offer is accepted before doing anything.
- **Do not assume a person can read well.** Some people may not read at all.

## PEOPLE WITH VISUAL DISABILITIES (BLIND OR LOW VISION)

- **Identify yourself** and let the person know you are speaking to them by gently touching their arm. If you leave the individual's immediate vicinity, notify the individual so they will not be embarrassed by talking to empty space.
- **Speak directly facing the person.** Your voice will orient the individual. Your natural speaking tone is sufficient. Blindness is not deafness.

- **When giving directions**, be as specific as possible and describe obstacles in the path of travel. Use clock cues: “The desk is at 6 o'clock.”
- **When offering assistance as a guide**, offer your arm and say, “Would you like to take my left (or right) arm?” then allow the individual to decline or accept. Directions should correspond to the way the person is facing. The movements of your arm will let the person know what to expect. Never grasp or pull the person.
- **When leading an individual through a narrow space** such as an aisle, place the arm the individual is holding behind your back as a signal to walk directly behind you and give verbal instructions to this effect.
- **When guiding an individual through a doorway**, inform the person about whether the door opens in or out and to the right or to the left.
- **Before ascending or descending a step or stairs**, come to a complete stop, inform the individual regarding the direction of the stairs (up or down) and approximately how many steps there are. If a handrail is available, inform the person of its location. Individuals with visual impairments can use escalators, but may prefer using elevators. Ask the individual which option they prefer and whether assistance is necessary.
- **When showing an individual to a chair**, place their hand on the back. They will not require further assistance in seating.
- **Individuals and their service animals cannot be prohibited from entering the public area of any public facility.** If an individual is using a service animal, the animal’s attention should not be diverted, and it is important not to speak to or pet the service animal.
- **It is not necessary** to avoid using common words like “look” or “see” when assisting an individual who is blind or visually impaired.
- **When making change**, count the bills separately and identify each denomination as you hand them back to the person. This is not necessary with coins since they are known by touch.
- **Staff may offer to read the printed information** to the person if the person is alone or with other people who are unable to read. If Braille format is available, offer it to the person, but do not be surprised if the

person would rather have the printed information read aloud. Many people who are blind do not read Braille.

## **PEOPLE WITH ENVIRONMENTAL ILLNESS (EI) or MULTIPLE CHEMICAL SENSITIVITY (MCS)**

Environmental Illness (EI), or Multiple Chemical Sensitivity (MCS) Syndrome, is an immune system disorder which involves severe reactions to many everyday chemicals and products.

A person with EI has a systemic physical reaction to petrochemicals, formaldehyde and coal-tar derivatives present in auto exhaust, synthetic fabrics, artificial fragrances, cleaning products, fresh paint, new building materials, pesticides, cigarette smoke, (as well as the chemical residue it leaves on clothing and hair). Many people with EI also develop allergies to dust, pollen, animal dander, molds and/or entire food groups as the immune system struggles to cope with the stress of chemical overload.

The following are some suggestions to show consideration for people who have EI:

- **Use unscented** personal care products and unscented laundry preparations.
- **Do not wear perfumes or scents** to an EI accessible event. A person with severe EI may not be able to enter most buildings or attend public functions, since a person with EI needs to reduce their exposure to harmful substances. In order to make an event accessible to people with EI, all who attend should be reminded not to wear perfumes or scented products. Scented products include: soap, shampoo, hair conditioner, hair mousse, lotion, cosmetics, essential oil, deodorant, laundry detergent, fabric softener/antistatic laundry additives (e.g., "Bounce"), hairspray, lip balm, analgesic balm, mothballs, and insect repellent.
- **Realize that a mild fragrance can constitute a toxic exposure for a person** with EI. EI reactions commonly include migraine headaches, fatigue, muscle weakness, gastrointestinal disturbances, arthritic pain, cerebral or behavioral symptoms such as confusion, forgetfulness, agitation and mood swings, and more familiar allergic symptoms like asthma and hives. Exact sensitivities vary from person to person, and reactions vary in intensity and duration, usually lasting from a few hours to several days. Individual tolerance levels on a given day may be influenced by variables such as humidity, air pollution, stress, and cumulative exposure loads.

# ATTACHMENT C



## EXECUTIVE CHAMBERS HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

December 18, 2012

### ADMINISTRATIVE DIRECTIVE NO. 12-06

TO: All Department and Agency Heads

SUBJECT: Accessibility to State Government by Persons with Disabilities

This Administrative Directive supercedes, consolidates, and updates the previous Administrative Directives (AD) and Executive Memorandum (EM) relating to accessibility and persons with disabilities as listed below:

- AD 97-01 Responsibilities for Americans with Disabilities Act Coordination and Implementation,
- AD 97-02 Communication Access for Persons with Disabilities to Programs, Services, and Activities of the State of Hawaii,
- AD 97-03 Non-Discrimination to Programs, Services, and Activities of the State of Hawaii on the Basis of Disability,
- AD 98-01 Reasonable Accommodation for Persons with Disabilities,
- AD 98-02 Facility Access, and
- EM 06-02 Access to State Government by Persons with Disabilities.

The State of Hawai'i, as an employer and an operator of government programs, services, and activities, is committed to the needs and civil rights of individuals with disabilities through compliance with the Americans with Disabilities Act (ADA), Public Law 101-336, and the ADA Amendments Act (ADAAA), Public Law 110-325. As stated in the aforementioned Administrative Directives and Executive Memorandum, we remain committed to our legal obligation to provide equal access to employment, programs, services, and activities of State government for persons with disabilities in the State of Hawai'i. On September 15, 2010 and March 25, 2011, the U.S. Department of Justice (DOJ) and the U.S. Equal Employment Opportunity Commission (EEOC), respectively,

issued new federal administrative rules relating to the ADA. The rules related to ADA Titles II and III became effective on March 15, 2011. Other portions of

the rules relating to the 2010 ADA Standards for Accessible Design went into effect on March 15, 2012. The EEOC rules for the ADAAA became effective on May 24, 2011. This directive reaffirms the State's commitment to accessibility for individuals with disabilities set forth under the ADA, the previous directives, and highlights the changes found in the new administrative rules promulgated by the DOJ and EEOC.

Although the following sections summarize portions of the ADA, the ADA provides the broad framework for equal opportunity and access to agency programs, services and activities, including state government, for individuals with disabilities. This memorandum focuses on the following topics:

- a. Facility Access;
- b. Access to State Programs, Services, and Activities;
- c. Communication Access;
- d. Employment; and
- e. ADA Coordination.

#### Facility Access

Facility accessibility involves new construction and alteration of buildings, facilities, and sites by the State (or on behalf of the State), existing state facilities, state agencies occupying space in leased facilities, and a state facility that is leased to a private entity. Each type of facility shall be fully accessible to and usable by individuals with disabilities.

For new construction and alteration, the State of Hawai'i adheres to legal requirements set forth under §103-50, Hawai'i Revised Statutes (HRS) that provides for the review of state and county construction projects by the Disability and Communication Access Board (DCAB) as well as the issuance of interpretive opinions. The Americans with Disabilities Act Accessibility Guidelines (ADAAG), Federal Fair Housing Amendments Act Accessibility Guidelines (FHAG), and DCAB interpretive opinions are the guidelines reviewed under §103-50, HRS.

Each department and agency shall ensure that all plans and specifications are submitted to DCAB for timely review prior to construction consistent with Hawai'i Administrative Rules (HAR), Title 11, Chapter 216, *Disability and Communication Access Board Rules of Practice and Procedure*.

If a department or a state agency plans to lease an existing facility from a private entity for office space, the responsible party should contact the Department of Accounting and General Services (DAGS). DAGS has a checklist that will assist the agency to select a site that is accessible to individuals with disabilities. A copy of the checklist can be obtained from the DAGS, Public Works Division, Leasing Branch at (808) 586-0508.



### Access to State Programs, Services, and Activities

Policies and practices of the State of Hawai'i departments and agencies shall be non-discriminatory and inclusive of the whole community (including individuals with and without disabilities). This right includes not only the opportunity to participate, but an opportunity that is equally effective as that provided to individuals without disabilities. Policies, practices, and procedures of departments and agencies shall be modified to provide equal access to individuals with disabilities, unless doing so would fundamentally alter the nature of the program, service, or activity or create undue administrative or financial burden to state government.

Programs, services, and activities of the State of Hawai'i shall be delivered in the most inclusive setting appropriate to the individual's level of need. The inclusion of individuals with disabilities is the goal of the ADA and the goal of the State of Hawai'i. In the delivery of programs, services, and activities, the State of Hawai'i departments and agencies shall not use eligibility criteria that screen out or tend to screen out individuals with disabilities unless such eligibility criteria are a necessary provision for the program, service, or activity. Access shall also be provided to ongoing programs as well as periodic events such as conferences, workshops, public hearings, and all events sponsored or co-sponsored by the state.

Departments and agencies shall not charge individuals with disabilities a fee to offset the costs associated with providing access.

State websites provide access to information about programs, services, and activities to the public twenty-four hours a day, seven days a week (24/7). Departments and agencies shall ensure such information is accessible to everyone, including individuals with disabilities by complying with the DAGS, Information and Communication Services Division (ICSD) policy for accessibility of state department and agency websites in Comptroller's Memorandum (CM) 2010-28. Creating and maintaining accessible websites allows individuals with disabilities access to information 24/7, similar to anyone in the general public using a State website.

Guidance regarding access to programs, services, and activities of State government is available in the *Programs and Services Manual for Persons with Disabilities* published by DCAB.

### Communication Access

To ensure that all individuals with disabilities be they consumers, companions, or family members have equal opportunity to participate in programs, services, and activities of the State of Hawai'i, auxiliary aids and services shall be provided upon request of the qualified individual with a disability. Auxiliary aids or services may be for individuals who are deaf, hard of hearing, deaf-blind, blind, have low vision or have speech

disabilities. When the department or agency chooses an auxiliary aid or service, preference should be given to the request of the individual with a disability.

State agencies shall reference the guidelines set forth in the *Communication Access Services for Persons who are Deaf, Hard of Hearing, and Deaf-Blind*, pursuant to HAR Title 11, Chapter 218, as adopted by DCAB to follow when hiring sign language interpreters and communication assistants for persons requesting such services.

State agencies shall also ensure that all contact points where the agency interacts with the public are accessible to persons with communication access needs.

State agencies may establish reasonable timeframes for individuals to request auxiliary aids or services in order to fill those requests. For a list of Communication Access Providers (i.e., American Sign Language (ASL)/English interpreters, real-time captioners, or computer-assisted notetakers), contact DCAB at (808) 586-8121.

### Employment

As a major employer, the State of Hawai'i will provide equal opportunity in State employment to qualified individuals with disabilities. This commitment includes a legal obligation to provide reasonable accommodation to facilitate the employment of qualified individuals with disabilities. Reasonable accommodation is a logical adjustment made to the application process, in the work environment to enable the person to perform the essential functions of the job, or to receive benefits of employment.

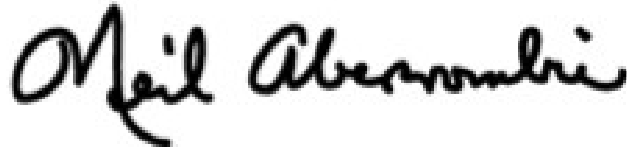
The ADAAA of 2008 expanded the definition of "disability," so that the determination about whether or not an individual has a disability does not require extensive analysis. The expanded definition adds two non-exhaustive lists to clarify the meaning of "major life activities," as well as a list defining "major bodily functions." The expanded definition overturns previous Supreme Court decisions that narrowly construed the definition of disability.

When a person with a disability is an applicant or employee of the State of Hawai'i, the department or agency with the job vacancy has the primary responsibility to provide and pay for a requested accommodation. Guidance on the provision of reasonable accommodation for State job applicants and employees is available in the *Reasonable Accommodation for State Employees with Disabilities Manual* published by DCAB.

ADA Coordination

The State of Hawai'i reaffirms its commitment to equal opportunity for individuals with disabilities by designating DCAB to coordinate ADA compliance efforts for the Executive Branch.

Each department and agency head shall continue its responsibility and effort to provide equal opportunities to individuals with disabilities in the provision of programs and services, equal access to employment, and effective communication in all aspects of State government. Each department shall designate an ADA coordinator/liaison to work with DCAB to effectuate this directive.

A handwritten signature in black ink that reads "Neil Abercrombie". The signature is written in a cursive, flowing style.

NEIL ABERCROMBIE

## ATTACHMENT D

### COMMUNICATION TIPS WITH INDIVIDUALS WHO ARE DEAF, HARD OF HEARING OR DEAF-BLIND

#### How do I communicate with a person who is deaf?

- **Get the person's attention before speaking.** First, call out the person's name. If the person does not respond, then use a tap on the shoulder, a tap or gentle shake of the desk or table, a wave, a flick of the light switch, or any kind of visual or tactile signal.
- **Begin the conversation with the topic of discussion.** If the person knows the subject matter to be discussed, it is easier for the person to follow the conversation.
- **Speak slowly and clearly in a normal fashion.** Do not yell, exaggerate or over-enunciate because exaggeration and overemphasis of words distort lip movements and facial expressions, making lipreading more difficult for the person.
- **Look directly at the person when speaking.** While talking, avoid turning away to write on a blackboard or pull something from a file. Avoid pacing or walking around the room. If you must do these things, give the person a cue that you are interrupting the conversation for a moment. For example, say, "Excuse me while I pull your file." Then you should stop talking until you face the person again.
- **Do not place anything in or near your mouth when speaking.** Smoking, pencil chewing, and putting your hands in front of your face make it difficult for people who are deaf or hard of hearing to follow what is being said. Do not put things like the newspaper or books in front of your face. Mustaches and beards also conceal or hide the lips.
- **Use the words "I" and "you."** When you communicate through an interpreter, do not say "Tell him..." or "Does she understand?" because an interpreter is only a link between you and the other person. The person who is deaf or hard of hearing is the one to whom you are speaking.

- **Avoid standing in front of a bright background.** Glare from a window or bright light causes your face to be lost in the shadows. This makes it almost impossible for the person to lipread or see signs. Both the speaker and the interpreter should stand in front of a solid color background that contrasts with the interpreter's complexion and has sufficient lighting on the interpreter for the person who is deaf or hard of hearing to see the interpreter.
- **First repeat, then try to rephrase a thought.** If you have problems being understood or if the person only missed one or two words the first time, one repetition usually helps. If a particular word seems to be the problem, choose a different word. Use paper and pencil if necessary. Getting the message across to people who are deaf or hard of hearing is more important than how it is delivered.
- **Use pantomime, body language, and facial expression.** These are essential to communication with people who are deaf or hard of hearing and help to show feelings in any conversation.
- **Be courteous.** If the telephone rings or someone knocks at the door, excuse yourself by telling the person who is deaf or hard of hearing that you are answering the phone or responding to the knock. You can indicate the interruption with an open palm or by holding up a finger. Do not ignore the person and carry on a conversation with someone else while the person who is deaf or hard of hearing waits.

### **How do I communicate with a person who is hard of hearing?**

While many of the above communication tips benefit individuals who are hard of hearing, it is especially important to remember the following:

- Because a person who is hard of hearing relies heavily on residual hearing for communication, you should speak clearly and try to get away from distracting noises.
- Turn down the volume of the radio or television (or turn it off) if necessary while talking to a person who is hard of hearing.
- Be willing to talk into a person's assistive listening device, when requested.

## How do I communicate with a person who is deaf-blind?

When you meet a person who is deaf-blind, most of the above communication tips still apply, in addition to the following:

- Because it is necessary to be very close to or have physical contact with the person who is deaf-blind during the communication, distractions should be kept to a minimum. For instance, have little or no jewelry, clean hands, short fingernails, and light or no perfume.
- Good lighting is crucial for the individual who has usable vision. For example, in a restaurant the diner who is deaf-blind should sit at a table with a lamp rather than in a dim corner.
- If the person who is deaf-blind indicates willingness to communicate by pen and paper, a black felt-tip marker should be used, and large print is best.

## Can I use written communication instead of hiring an interpreter?

Always ask people who are deaf, hard of hearing or deaf-blind if they prefer written communication as an alternative mode of communicating. Do not think that this is the only way to communicate with them. When using writing as a way of communicating with people who are deaf, hard of hearing or deaf-blind, be aware that the person's English reading and writing skills may vary widely depending on educational background, the teaching method used in the schools attended, and the communication method preferred. The following are some tips on how to have effective written communication.

- **Keep your message short and simple.** Establish what you're talking about, avoid assumptions, and make your sentences short and to the point. It is not necessary to write every word. Short phrases or a few words are often sufficient.
- **Do not use "yes" or "no" questions.** Open-ended questions ensure a response that allows you to make sure your message was understood.
- **Face the person after you have written your message.** If you can see each other's facial expressions, communication will be easier and more accurate.

- **Use visual representations.** Drawings, diagrams, etc., help a person understand.

# ATTACHMENT E

## GUIDELINES FOR PRODUCING MATERIALS IN PRINT FORMAT

### What is the best type style for printing materials?

Serif type is a typeset where a fine line projects from a main stroke of a letter at the ends of letters. For persons with low vision who utilize magnification devices or software programs, sans-serif type is usually preferred. To determine if a printing type is serif or sans-serif, look at the letters below. The “T” and the “H” are serif type, while the “M” and the “N” are sans-serif.

<b>T H M N</b>
This sentence is printed in serif type, Times font.
This sentence is printed in sans-serif type, Helvetica font.

Some of the more common fonts with serif type are Times, New Century Schoolbook, or Palatino. In general, fancy types should also be avoided. Text in all uppercase or in orator type is more difficult to read and should also be avoided even in headlines.

<b>Serif</b>	<b>Sans Serif</b>
Bookman Courier New Century Schoolbook Palatino Times	Arial Geneva Helvetica N Helvetica Narrow

### What does “proportional spacing” mean?

Proportional spacing allows for adjustment between letters to eliminate unneeded and often distracting white (background) space. Proportional spacing is easier to read for all people, but especially so for people with visual impairments. Therefore, a typeface which is proportional, rather than uniform, is suggested.



This sentence is printed in serif type, with proportional spacing, Times font

This sentence is printed in serif type,  
with regular spacing, Courier font.

### **What about type size?**

Most books and documents are prepared with a type size of 10 or 12 point type. Materials for general distribution are usually of the 12 point type. Large print materials are most commonly available in 16, 18, or 24 point type. Type points of 16 or 18 are acceptable for most documents. However, if you are typing original materials and do not have a lengthy document, 24 point type is very desirable.

### **Should paper and color combinations be a consideration?**

Color combinations have an effect on the readability of materials by people with low vision. When printing materials, efforts should be made to maximize the contrast and brightness between the letters and the background, without creating a glare. If black ink is used, as is most typical, printing should be on a pastel (especially light yellow), cream, or white colored paper. If colored print is used, avoid contrasting background paper of a shade of the same color. If a reverse printing is used (e.g., white lettering on a dark background), the preferred backgrounds are dark green (such as in highway signs), or dark blue (such as in the International Symbol of Accessibility), rather than black.

Paper with a non-glossy matte finish is preferable to coated shiny paper, to provide the highest level of contrast without glare.

### **What about the text of printed materials?**

A few extra hints will assist in preparing the most readable documents. If you are using a computer to automatically adjust the font on an original document, re-read your document in a larger font prior to printing. Eliminate, if possible, hyphenations on the right margin, as they make for more difficult concentration in reading. Also, if your document has columns, tables, math formulas, drawings, scientific calculations, etc., automatic enlargement on a computer may result in a skewed document due to formatting. It is important to proof your document to ensure that the text has not been distorted due to the enlargement.

When copying large print documents, if your text has a significant amount of bold type or drawings, copying on one side of the paper is preferable to minimize bleeding and distractions seen through the paper, unless heavier weight (60 pound) paper is used.

**Does enlarging the print document on a photocopier work to produce large print?**

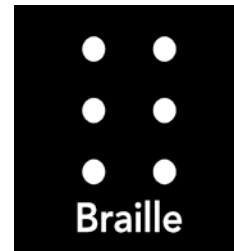
Enlarging a document on a photocopier does not assist a person with limited vision. The text is distorted by the photocopier and the person cannot read the words. Instead, they see individual dots that make up the letters. Do not enlarge documents on a photocopier to make large print documents.

**Note: The above information refers to printed material, not building signage. For information on appropriate printed signage requirements, use the Americans with Disabilities Act Accessibility Guidelines (ADAAG).**

## ATTACHMENT F

### GUIDELINES FOR PRODUCING MATERIALS IN BRAILLE

This symbol indicates that any printed materials presented at your activity or event are available in Braille for people who are blind or who have low vision.



#### **What is Braille?**

Braille is a system of reading and writing created for individuals who are blind. The basic unit of Braille is the Braille cell. It is composed of six raised dots. From these six dots you can get letters, numbers, punctuation marks, and contractions.

#### **Can I put my printed information into Braille myself in my office?**

Unlike producing materials in large print, producing materials in Braille usually requires special equipment, training, and additional preparation time. If materials have diagrams, pictures, or charts, translation should be done by a certified Brailist who has been trained to transfer graphics and pictures to a narrative format. Computer software and printers are available which will automatically translate written information into Braille I or Braille II directly from an electronic format, if the text is straight narrative. This software and the accompanying printer, although technologically available and not too expensive, are still uncommon in most work environments.

#### **Where can I get materials put into Braille?**

The Hawaii State Library for the Blind and Physically Handicapped will produce materials into Braille format for state agencies or refer you to a trained Brailist. There is a nominal charge for the materials. Cost to another state agency does not include a fee for their staff services. The Library for the Blind and Physically Handicapped may have a backlog due to requests for textbooks and other academic materials for students, and these take priority in their scheduling. Therefore, giving the Library your document as early as possible will help in the turnaround time. Also, providing the information in an electronic format reduces the time for Brailleing, by eliminating the clerical time for inputting data.

Contact the Library for the Blind and Physically Handicapped for more information at (808) 733-8444.

# **ATTACHMENT G**

## **GUIDELINES FOR PRODUCING AUDIO RECORDINGS**

Recording printed material for a person who is blind or who has a learning disability can be done in-house by staff with some general guidance.

The Library for the Blind and Physically Handicapped may be able to refer you to a reader if you do not have anyone in your office able to do so, or if the material requires complex or descriptive reading skills. If you need to hire a reader on a fee-for-service basis **ATTACHMENT G-1**, provides a sample purchase order for reader services, as well as a sample invoice from a freelance reader billing for services. (Please note that the hourly rate indicated on the invoice is for illustrative purposes only and not intended to reflect a recommended billing rate.)

### **Selecting a Reader and Location**

Search for a “good reader” among your staff and volunteers. A good reader reads printed material aloud with accuracy, clarity, fluency, interest and “sense.” A good reader is not simply a good speaker. Reading aloud and speaking are often two different skills.

The reader should have a smooth, non-monotonous reading voice. Reading at a fast pace is preferable to a slow pace. A reader should read only as long as he or she is comfortable without losing pace or weakening voice. The reader should select a quiet location which minimizes background noise. Phones, music, voices, animal sounds, machinery noise, or street traffic can be extremely distracting to a person listening to the recording.

### **Selecting Tapes and a Machine for Highest Quality**

A recorder with adjustable speed and tone indexing is preferable. Most people who are blind or visually impaired are able to listen to a tape recording at regular speed at a faster pace without compromising the understanding of the content.

### **Identifying the Recording**

Recordings should be identified audibly, in writing, and in Braille, if possible. The first tape should provide information on the title, author, reference, date of publication, and date of the reading, does not need to be repeated on each subsequent tape. Providing the name of the voice reader is a courtesy, and

informs the listener to become familiar with a voice so that, if subsequent recordings are to be done, the listener may request a specific reader who is clear and easy to understand (*i.e.*, *This is "The History of Music," authored by John Doe, dated September 1979, read by Jane Smith on October 1, 1993*). Each subsequent recording should begin with an announcement of the name of the document and the cassette number and side A or B of the tape (*i.e.*, *This is "The History of Music," cassette number 2, side B*). This will alert the listener to the fact that she or he should have already heard two previous sides of tapes before beginning this tape. When ending each side of a tape, a notation should be made (*i.e.*, *This is the end of cassette number 2, side B of "The History of Music"*). When the document is completely finished, this should also be announced (*i.e.*, *This is the end of the recording of "The History of Music"*).

## **Reading the Text**

The reader should briefly read the text before recording to become familiar with terms and words. Uncommon words and pronunciations should be looked up prior to recording so that the recording voice is smooth and uninterrupted.

The text should be read as written, even with apparent errors. All the information in a document should be read, including footnotes, bibliographies, cartoons, diagrams, and charts. The reader should note the presence of quotations (*"begin quote"* and *"end quote"* respectively), italicized words (*"begin italics"* and *"end italics"* respectively), parentheses (*"begin paren"* and *"end paren"* respectively), or footnotes (*"footnote one"*). Footnotes should be recorded at the end of a chapter or other convenient break point, so as not to interrupt the text. Page numbers of the document should be read when they occur.

A reader's note may be inserted if needed to clarify a point from the reader to the listener. (*"Reader's note: The footnotes to this chapter will be read at the end of the chapter. End of note, return to text"* or *"Reader's note: Table A is being read in French. There is no English translation provided. End of note, return to text."*)

Reading cartoons, diagrams, charts, illustrations, scientific or medical documents are often very complex to read. Because descriptive reading is an acquired skill, if your document has many pictures, diagrams, charts, etc., to read, you should consider contracting out the document to a professional reader.

**STATE OF HAWAII**  
**REQUISITION & PURCHASE ORDER**  
 DEPARTMENT OF HEALTH

Department of Protocol  
 ORGANIZATION

DOP 000  
 FUNCTION AND ACTIVITY

**NOTICE TO VENDORS**  
 Conditions of purchase are listed on the back side of this purchase order. Please read carefully. Payments may be delayed if all steps are not followed.

TALK STORY  
 850 Maui Avenue  
 Honolulu, HI 96800

The State of Hawaii is an EQUAL EMPLOYMENT OPPORTUNITY and AFFIRMATIVE ACTION employer. We encourage the participation of women and minorities in all phases of employment.

**PURCHASE ORDER NO. 00859561**

Date XX XX XX

Deliver Before \_\_\_\_\_

**DELIVERY ADDRESS**

1234 Kona Street  
 Honolulu, HI 96813

**BILLING ADDRESS**

same as above

QUAN.	UNIT	DESCRIPTION	OBJECT	UNIT PRICE	AMOUNT
▶		Fee-for-service to provide reader services for communication access to individuals who are blind or visually impaired to access the programs of the Department of Protocol for the quarter ending December 31, xxxx	7190		100.00
	XX				

REQUISITIONER: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_ VOUCHER NUMBER: \_\_\_\_\_ AUTHENTICATED BY: \_\_\_\_\_

GOODS/SERVICES RECEIVED IN GOOD ORDER AND CONDITION BY: \_\_\_\_\_ DATE: \_\_\_\_\_ AUTHORIZED SIGNATURE: \_\_\_\_\_

REQUISITION NO.	FOR DEPARTMENT USE ONLY
VENDOR NUMBER	
99995	
SFX	
01	

SFX	TC	F	YR	APP	D	OBJECT	CC	PROJ NO.	PH	ACT	ESTIMATED COST	ACTUAL COST	M	R	OPT DEPT DA	
XX	XXX	X	XX	XXX	XX	XXXXX	XXXXX	XXXXXXXX	XX	XXX	XXXXXXXXXXXXX	XX	XXXXXXXXXXXXX	XX	XX	XXXXXXXXXX
01	621	X	XX	000	X	7190				xxx	100.00					

CAROL LANAI  
dba TALK STORY  
850 Maui Avenue  
Honolulu, HI 96800

INVOICE

December 15, xxxx

Department of Protocol  
Accounts Receivable  
1234 Kona Street  
Honolulu, HI 96813

For services rendered during the month of December xxxx to provide reader services for communication access to individuals who are blind or visually impaired to access the Department of Protocol programs.

December 5, xxxx	8:00 a.m. – 12:00 p.m.	4 hours	\$40.00
December 9, xxxx	8:00 a.m. – 10:00 a.m.	2 hours	20.00
December 10, xxxx	8:00 a.m. – 12:00 p.m.	4 hours	40.00
TOTAL			\$100.00

Please send the payment to the address listed above.

Sincerely,

CAROL LANAI



## ATTACHMENT H

### SAMPLE STATEMENTS FOR ANNOUNCEMENTS AND PUBLICITY MATERIALS

When hosting a training session, conference, workshop, tour, or open house, etc., the following wording is recommended:

This (training activity) is accessible for individuals with disabilities. For more information or to request an auxiliary aid or service (e.g., sign language interpreter, designated parking, materials in alternate format), contact (indicate telephone number and name) (V/TTY) seven days before the training, activity, or event.

When asking for public input on a report or document, the following wording is recommended:

If you have needs due to your disability that will aid you in commenting on the (report), please contact (name/program) at (telephone number[s] V/TTY).

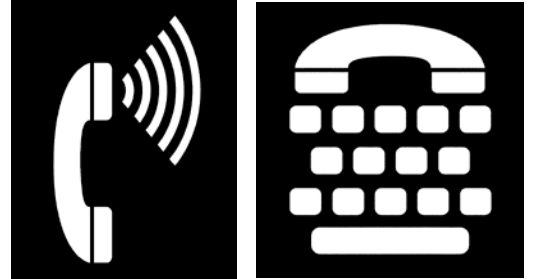
For a broader, more generic statement, the following wording is recommended:

If you require an auxiliary aid or accommodation due to a disability, please contact (name/program) at (telephone number or email) by (date).

## ATTACHMENT I

### INFORMATION ON TELEPHONE COMMUNICATIONS DEVICES

These symbols indicate that devices are available at this location which will enable persons who are deaf, hard of hearing, deaf-blind and speech-impaired to communicate over the telephone. Some persons make use of devices that communicate in a print format such as a Teletypewriter (TTY). Others have enough residual hearing to benefit from devices that strengthen a telephone's volume.



#### What is a TTY?

A TTY looks like a small typewriter with a telephone coupler above the keyboard. The user places the telephone receiver on the coupler, usually with the hearing end of the telephone to the right, and the speaking end to the left. Some types of TTYs include printers. These have rolls of paper the size of adding machine tape which are set into the back of the machine and print out the conversation as it takes place. There are large print and Braille TTYs, which are used by people who have low or no vision. More portable TTYs allow users to take their TTY on the road. Some of the newer models have a recording to announce to the hearing party that a TTY is being used, or a direct line feed into the telephone, eliminating the couplers. There are also computer modems and software that make communication possible between the computer (ASCII) and the TTY (Baudot).

#### Where can I get a TTY or an amplifier?

Names of distributors are available by contacting the Disability and Communication Access Board at the telephone numbers listed at the end of this Attachment. If you purchase a TTY or other telephone amplification device, you will need to complete a Telecom Request Form (DAGS Form 1). A completed sample form to purchase a TTY is included as **ATTACHMENT I-1**.

#### Can I use any telephone with a TTY?

The best telephone for TTY use is the regular office telephone with the old style "U" shaped receiver. Cordless telephones can be used with a TTY if they have a signal of 900 MHz or larger. Cellular telephones are usually not

large enough to couple with a TTY, but may have texting and email capability as an alternative.

When you receive your TTY, connect it with the adapter plug into an electrical outlet. Leave the TTY plugged in (with the power turned off), near the telephone so that it is ready for use at any time. Refer to the manual that comes with your TTY for any special instructions.

### **How do I know when someone is calling from or answering on a TTY?**

You will often recognize an incoming TTY call by its beeping sounds. TTY sounds should not be confused with a FAX machine which emits a high pitched, continuous tone, rather than an irregular beeping sound. If you answer the telephone and hear nothing, it may be that a TTY user is at the other end, waiting patiently for you to respond by typing on your TTY. If you receive a "silent call," or hear beeping sounds, always check by turning your TTY on, putting the telephone on the TTY and typing out your greeting and waiting for a response. It does take a little time for the transmission to get through the telephone lines, so please wait a few seconds for a response before hanging up. If there is no response, it is probably not a TTY caller, and you can go ahead and hang up your telephone and turn off your TTY.

### **How do I answer a TTY call?**

After you have put your telephone receiver on the TTY, type in your usual greeting, followed by the letters "GA." GA is the abbreviation for the words "Go Ahead," which means that it is the other caller's turn to start typing. If you or the caller is asking a question, it is customary to type the question, then type "Q GA" (the "Q" replaces a "?" at the end of the question). It is not possible to interrupt a caller while they are typing, thus please continue to read the message and respond after the caller types "GA." This is the caller's message that it is now your turn to type your message.

### **How do I complete a TTY call?**

After you have completed your conversation, it is customary to ask if there is anything more, and then type in the phrase "GA to SK." "SK" is the abbreviation for "Stop Keying." The other caller will respond with either more information or "Bye to SK." Your response should then be "SKSK," and the other caller will respond with "SKSK," signaling that the call is over and the person is hanging up. You can then hang up your own telephone and turn off your TTY.

## **What if the message on my TTY is garbled or unintelligible?**

If the caller's message is coming through as a mixture of numbers, symbols or letters that don't make sense to you, hit your space bar a few times. This will sometimes correct the signal and the message will start coming across clearly. If pressing the spacebar doesn't work, wait until the caller has stopped typing and then type in "MSG GARBLED, PLS RPT," (message garbled, please repeat) or "AGAIN PLS." This will let the caller know that the signal was faulty and the person will repeat the message. If you get the above message on your TTY, please repeat what you have just typed, even though it seems clear on your machine. If the message is still garbled, try checking your connections, using another telephone line, or hang up and call again. Always type "MSG GARBLED, PLS CALL AGAIN SKSK" before hanging up so that the caller will know that there is a problem and will try calling you back.

## **Will my answering machine work with a TTY?**

Some commercial answering machines cannot work with TTY messages. When you buy an answering machine, you may want to check this out. Some machines are especially made to take both voice and TTY messages or only TTY messages. Check with the operating manual if you are not sure. Some TTY machines are designed to take only TTY messages.

## **How do I know if a number I am calling is a TTY number?**

Sometimes you will see "V/TTY" in telephone listings. This means the telephone number can be answered by voice (V) or TTY. The telephone number followed by a "TTY" takes only TTY calls, while "V" means voice calls only.

## **Are there any ways to make the TTY call shorter? Are there any ways to show emotion while using a TTY?**

The following are some abbreviations which are commonly known to TTY users, as well as some terminology which expresses emotion:

Because	CUZ	Are	R
Hold	HD	See you later	CUL
Oh, I see	OIC	Please	PLS
Question	Q	Pause (thinking)	HMMM
Enjoy comment	SMILE	Laughing	HA or HA HA



## **What about telephone amplifiers for the hard of hearing person?**

There are different types of amplifiers listed in order of quality:

Amplifier built into the telephone base or handset. This may provide up to thirty percent additional power for the listener with a hearing loss. Not all amplified handsets are compatible with personal hearing aids.

Removable external amplifier that can be attached using modular plugs between the base and handset of modular telephones.

Small portable amplifier that can be slipped over the handset to provide increased amplification. This can be especially useful for persons who cannot find a pay telephone with the amplifier handset, and cannot manage telephone calls without such amplification. However, portable amplifiers do not work with all telephones.

## Telecom Request Form Sample

 <h1 style="margin-top: 20px;">TELECOM REQUEST</h1>	FOR DAGS USE ONLY	
	1. TR No. _____	
TO: Dept. of Accounting & General Services Information & Communication Services Division Kalanimoku Building, Basement 1151 Punchbowl Street Attn: Telecommunications Services Branch	2. Date: 3/14/13	3. User Agency No. <b>HTH xxx</b>
Dept <b>Health</b>  Div <b>Disability and Communication Access Board</b>  Branch _____  Billing Address <b>919 Ala Moana Blvd., Room 101, Honolulu, HI 96814</b>	5. REQUESTOR / PROJECT COORDINATOR	
	Name <u>Francine Wai</u>	
	Title <u>Executive Director</u>	
	Phone _____ Fax _____	
	6. Location of Service (Street Address) <b>919 Ala Moana Blvd.</b>	
	Bldg	Room
	<b>AAFES Bldg</b>	<b>101</b>
		Phone <b>586-8121</b>
7. Contact Person (name & phone number) if different from requestor <span style="color: red;">(insert name/phone number)</span>	8. Requested Service Date <b>4/1/13</b>	
9. <input type="checkbox"/> TELEPHONE/CENTREX <input type="checkbox"/> RADIO <input type="checkbox"/> DATA <input type="checkbox"/> CPE <input type="checkbox"/> PURCHASE <input type="checkbox"/> OTHER		
10. DESCRIPTION  <b>Purchase of Minicom IV telecommunications device for the deaf</b>		
11. JUSTIFICATION <b>The Disability and Communication Access Board works closely with the deaf and hard of hearing community on awareness and technical assistance issues making it necessary for staff to contact individuals who are deaf or hard of hearing for their input. The TTY makes the DCAB office accessible to persons who are deaf or are hard of hearing.</b>		
VENDOR	<b>Island Skill Gathering</b>	
12. ESTIMATED COSTS		
MONTHLY \$ <u>000.00</u>	ANNUAL \$ <u>000.00</u>	INSTALLATION \$ <u>000.00</u> Other <u>250.00</u> TOTAL \$ <u>250.00</u>
Attach Quotations, Proposals, Diagrams or Brochures (Use additional sheets as required)		
13. Signature _____	ASO Chief	_____
Department Authorization	Title	Date
14. APPROPRIATION SYMBOL TO BE _____	15. SIGNATURE _____	Date _____
CHARGED _____	Dept. Telecom Coordinator	Phone <b>586-4550</b>
FOR DAGS USE ONLY		
16. ICS DIV	<input type="checkbox"/> DISAPPROVED or <input type="checkbox"/> RETURNED	
Reviewed by _____	REASON: _____	
Approved by _____	_____	
	Manager, Telecom Services Branch	
APPROVAL SUBJECT TO PROCUREMENT IN ACCORDANCE WITH HAWAII REVISED STATUTES		
SERVICE REQUEST, TELEPHONE COMPANY USE ONLY		
17. PLEASE PROVIDE THE FOLLOWING INFORMATION & RETURN TO DAGS/ICSD, TELECOM SERVICES BRANCH		
TELEPHONE CO. SERVICE ORDER NO. _____	Service Charge \$ _____	
_____	Recurring _____	
RELATED TELEPHONE NO (s) _____	Completion Date _____	



## **ATTACHMENT J**

### **HOW TO USE THE TELECOMMUNICATIONS RELAY SERVICE AND VIDEO RELAY SERVICE**

#### **What is the Telecommunications Relay Service (TRS)?**

The Telecommunications Relay Service (TRS) is a telephone service for persons with hearing and speech disabilities to place and receive telephone calls. Sprint Relay Hawai'i currently provides TRS for Hawai'i.

#### **How do I use the TRS if I am hearing?**

To call a person with a hearing or speech disability without a TTY, dial 711 and you will be connected with a Communication Assistant (CA). Give the CA the phone number you want to call, the CA will dial the number for you. The CA will let you know if the number is ringing, busy or disconnected. If the call is answered, the CA will start typing on a TTY, identify that this is a TRS phone call and inform the person that you are on the line. Communication is carried out through a three-way process in which you speak to the CA who types what is said for the person who has a hearing or speech disability to read the message on their TTY. The person with the TTY will type a response that the CA reads out loud to you. CAs are prohibited from altering or disclosing the content/conversation and available 24 hours a day, seven days a week.

#### **How do I use the TRS if I am a person with a hearing or speech disability?**

If you are a person who is deaf, hard of hearing, deaf-blind or have a speech disability using a TTY to communicate with a hearing person without a TTY, dial **711**. TRS is available statewide and nationally.

#### **At what times can I make TRS calls?**

The TRS is available 24 hours a day, seven days a week. There is no time limit on the length of the call, or on the number of calls made. TRS is available statewide and nationally by using the same telephone numbers given above. No charges are made for local TRS calls. Out of state and international calls through the TRS are charged by the carrier of choice. Billing options are direct, collect, person to person, third party, local telephone

company calling card, long distance telephone company calling card, or pre-paid card.

### **What if I can speak but can't hear?**

This is referred to as Voice Carry Over (VCO). Communication is handled by using the TRS to type the message to you from the person without a TTY. You then pick up the telephone and respond directly to the person. The CA will then type the person's response to you and the conversation will proceed as described above.

### **What if I can hear but can't speak?**

This is referred to as Hearing Carry Over (HCO). It is the reverse of the process described above. The CA will read your message on the TTY to the other party. You then lift the receiver to hear the response directly from the other party.

### **Are TRS calls private?**

The CA is required to keep all information confidential and cannot interrupt either caller unless the CA needs to clarify a message. The CA is also required to inform either party of background noise, conversations and anything that could be heard by either party, as though both were hearing.

### **Are there any helpful tips to make the TRS call easier?**

- **Speak slowly and clearly** so that the CA can accurately convey your message.
- **Don't interrupt the CA**, but rather wait until you hear or see the letters "GA" before responding to the other party. Let the CA know that you are finished speaking by saying "Go Ahead" or typing "GA" at the end of your message. The CA will then type or say "GA," and the other party will know it is his or her turn to respond.
- **TRS calls do take longer than regular phone calls**, so have all materials that you may need handy in order to keep the call as short as possible.
- **There are also some clues** which you could say or type, such as "HaHa," "Huh," "Ugh," "Umm," "Smile," or other indications of your feelings so that the other party will get an idea of your state of mind (e.g., if you are being sarcastic) during the conversation.

- **When you are ready to end your phone call**, it is polite to say or type "GA to SK," meaning "Go Ahead" to "Stop Keying," which lets the other caller know that the conversation is over and that both parties can now hang up.

## **What is Video Relay Service (VRS)?**

Video Relay Service (VRS) is a form of Telecommunications Relay Service (TRS) that enables persons with hearing disabilities who use American Sign Language (ASL) to place a telephone call through video technology. A person with a hearing disability will call you through his or her own video technology and the phone call is connected to a Video Relay Service Communication Assistant (VRS CA). The VRS CA is a qualified sign language interpreter. The VRS CA relays the conversation back and forth in sign language to the person with the hearing disability and voice the signed conversation to you. There's no typing or text involved. VRS is available 24 hours a day, seven days a week.

## **Who makes a VRS call and what types of video technology to use when placing a VRS call?**

Persons who are deaf, hard of hearing, or deaf-blind use video technology to place a telephone call through the VRS. A VRS provider will issue a ten-digit number attached to their video equipment to place a call.

There are different types of video technology to place a telephone call using the VRS. To use the VRS, all of the video equipment must be connected to high speed internet via cable or DSL modem. High speed internet is recommended to deliver high quality video images that does not produce lags, choppy, blurry, or grainy images or irregular pauses in communication.

A VideoPhone (VP) is video equipment that is connected to a television set or monitor to send audio and video transmissions in real time for users to communicate.

A web cam is a camera that produces images/video and audio, which can be transmitted in real time for users to communicate. A web cam is connected to a laptop or computer.

A smart phone with a front facing camera is a mobile phone that produces video and audio, which can be transmitted in real time for users to communicate. A smart phone must have internet connection and an application from one of many VRS providers in order to place a VRS call.

### **Who provides VRS?**

There are over twenty companies across the nation offering video relay services. None of these providers are located in Hawai`i. VRS operates daily, 24 hours a day. A VRS provider may not refuse calls, nor limit in volume or duration of the call. Regarding 911 calls, a VRS provider must issue the person with a disability a ten digit number to have their personal location information routed to the appropriate emergency service center.

### **What is a Video Relay Interpreter or Video Relay Communication Assistant?**

A Video Relay Interpreter or Video Relay Communication Assistant are qualified sign language interpreters who interpret the telephone conversation between the person with a disability and a hearing individual. The telephone conversation is interpreted both in American Sign Language and Spoken English. The telephone call is confidential and may not be intentionally altered. Callers from both parties will hear or see the Video Relay Interpreter or Video Relay Service Communication Assistant. When a call is placed using VRS, the Video Relay Interpreter or Video Relay Service Communication Assistant must first identify the company providing the service along with their identification number. An example of Video Relay Interpreter identification is Sorenson VRS 6995.

### **Who regulates the VRS?**

In the United States, the Federal Communications Commission (FCC) regulates all VRS providers. Complaints regarding Video Relay Interpreters, Video Relay Service Communication Assistants or VRS providers, the consumer should first try to resolve the issue with the VRS provider. Consumers not able to resolve the problem with the VRS provider may file a complaint with the FCC. There is no charge or fee for filing a complaint with the FCC.

Consumers have the option to file with the FCC in writing, by phone (888) 225-5322 (voice) or (888) 835-5322 (TTY), email at [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov), or online at [support.fcc.gov/complaints.htm](http://support.fcc.gov/complaints.htm).

## ATTACHMENT K

### SAMPLE STATEMENTS FOR REGISTRATION FORMS

The registration form is an opportunity to obtain information about a participant's needs. The following are three examples of statements appropriate on registration forms:

#### SAMPLE 1

I am requesting the following auxiliary aids or services due to my disability:

\_\_\_\_\_

I may be contacted at the following telephone number during day hours for more information: \_\_\_\_\_

#### SAMPLE 2

Auxiliary aids or services for individuals with disabilities (e.g., sign language interpreter, large print materials, taped materials, accessible parking) can be provided, if requested in advance. Please call (indicate telephone number V/TTY) by (indicate deadline date) and speak with (indicate name of a person) to discuss your request.

#### SAMPLE 3

Please indicate any auxiliary aid or service needed, due to disability, that would assist you in participating in the activity:

Large print

Braille

Electronic format

Sign language interpreter

Amplification system, please specify \_\_\_\_\_

Accessible parking

Accessible facility

Special diet, please specify \_\_\_\_\_

Mobility assistance, please specify \_\_\_\_\_

Other, please specify \_\_\_\_\_

I may be contacted at the following telephone number for more information:



## ATTACHMENT L

### GUIDELINES FOR UTILIZING SIGN LANGUAGE/ENGLISH INTERPRETERS

The Disability and Communication Access Board issues administrative rules for the utilization of communication access services (e.g., sign language interpreters, real time captioners, computer assisted notetakers) including recommended fee schedules. The Board also tests and credentials interpreters who do not hold national certification via a state screening process.



#### **What credentials should an interpreter have?**

The State of Hawai`i recognizes three credentials: Hawaii Quality Assurance System, National Association of the Deaf and National Registry of Interpreters for the Deaf, Inc.

#### **What is NOT considered a valid credential of interpreting skills?**

Completion of sign language classes indicates only that the person may know some signs. A signer is not always an interpreter. He or she should not represent him or herself as an interpreter without valid credentials.

If a person identifies him or herself as a child of deaf parents, that does not mean he or she is qualified to be an interpreter. Someone who is a “native speaker” of a language is not necessarily a neutral party who is aware of the ethics or skills an interpreter should possess to provide quality interpreting services for all parties involved.

#### **Who do I hire as an interpreter?**

The Disability and Communication Access Board maintains a statewide database of communication access providers and distributes a hard copy upon request. A list of sign language interpreters is also available online at the Board’s web site.

## **How do I hire an interpreter?**

Should you procure services through an interpreter referral agency, the list is at the end of this attachment for more information.

To secure an interpreter for fee for service, please ask the interpreter for their fee for service charges and provide the following information after a formal agreement to secure the interpreter for the job assignment:

- Name of the person who requested for interpreting service
- Purpose of the meeting
- Location of the meeting
- Start and end time of the meeting
- Interpreter preference if you use an interpreter referral agency, please provide more than one preferred name if possible
- Name and phone number of the onsite contact person at the meeting
- Name of the agency or staff to be billed for the interpreter services

The interpreter referral agency will provide you the name of the interpreter for the job assignment. As a courtesy, inform the person who requested for interpreting services the name of the interpreter.

## **How much does an interpreter cost?**

The Disability and Communication Access Board sets guidelines for sign language interpreter fees based upon the interpreter's level of certification. These guidelines are established for State Executive Branch agencies. Discuss fees with the interpreter before the meeting is scheduled. Fees should be agreed upon by the interpreter and purchaser of the services before the service is rendered. A signed agreement by the agency and interpreter details the scope of work and service charges prior to the event.

It is standard practice for interpreters to charge a two hour minimum even though an assignment may last only thirty minutes to an hour. If an assignment is longer than an hour and a half, the complexity and length of the assignment may require hiring two interpreters.

## **When do I need to hire an interpreter who is deaf?**

An interpreter who is deaf provides interpreting, translation and transliteration services in American Sign Language and other visual and tactual



communication. The deaf and hearing interpreter team ensures that the spoken message is conveyed to the consumer in a language or

communication that he or she understands and the consumer's message to you is interpreted to spoken English.

**What if I need to cancel my request for interpreter services?**

Please check with the interpreter referral agency about their cancellation policy. The Hawai'i Administrative Rules, Title 11, Chapter 218, "Communication Access Services for Person who are Deaf, Hard of Hearing, and Deaf-Blind." Appendix A explains the recommended cancellation guidelines when you need to cancel interpreter services. Fees payable to an interpreter are based on the length of the scheduled assignment and the cancellation time as shown in the chart below. Full charges mean the fees payable for the full time of the assignment.

<b>Assignment Duration</b>	<b>Cancellation Time</b>	<b>Fees Charged</b>
Less than 2 hours	At least 24 hours	None
Less than 2 hours	Less than 24 hours	Full charges
2 to 4 hours	At least 48 hours	None
2 to 4 hours	Less than 48 hours	Full charges
4 hours or more	At least 72 hours	None
4 hours or more	24 to 72 hours	Minimum of 2 hours plus half of remaining scheduled time
4 hours or more	Less than 24 hours	Full charges

**What if the consumer or the interpreter doesn't show up?**

According to the Hawai'i Administrative Rules, Title 11 Chapter 218, "Communication Access Services for Persons who are Deaf, Hard of Hearing, and Deaf-Blind," failure to appear by an essential person who is deaf, hard of hearing, or deaf-blind or an essential person who is hearing is considered a cancellation and fees are payable to the provider as shown. Failure to appear by a communication access provider is not a cancellation and no fees are payable to the provider who fails to appear. For assignments where two providers are scheduled and one fails to appear, the solo provider shall be paid the full fee plus thirty percent of the hourly rate, if the solo provider agrees to the arrangements prior to beginning the assignment.

**The following are tips on working with an interpreter:**

- **Communicate directly with the deaf, hard of hearing, or deaf-blind person.**

- **Know when two interpreters should be hired.**

For a meeting of more than one and one-half hours, and with continuous work, two interpreters should be hired. The interpreters actively work for alternate periods of twenty minutes each. If two interpreters cannot be hired, one interpreter with continuous work of more than one and one half hours in length, the state agency shall ensure the interpreter is given breaks as necessary or as negotiated prior to the assignment.

- **Provide good lighting for the interpreter.**

If an interpreting situation requires darkening the room to view slides, videotapes, or films, auxiliary lighting such as a small lamp or spotlight may be necessary so the person who is deaf, hard of hearing, or deaf-blind can see the interpreter clearly. If auxiliary lighting is not available, check to see if room lights can be dimmed and still provide sufficient lighting to see the interpreter. If it cannot be arranged onsite, locate another site to host the meeting that is accessible.

- **Schedule breaks during the meeting.**

The interpreter and consumers who are deaf, hard of hearing, or deaf-blind will need occasional breaks. This will allow time for the consumer to relieve eye strain caused by focusing on one position for a long period of time and for the interpreter to rest physically. Physical strain is also experienced by both the consumer who is deaf-blind and the tactile interpreter during prolonged interpreting situations, so frequent breaks should be scheduled.

- **Remember that there is a lag time for the interpreter to interpret from spoken English to American Sign Language.**

Refrain from speaking too slowly or quickly. If necessary, the interpreter or consumer may ask the speaker or signer to slow down, repeat a word or sentence for clarification. Given the nature of the interpreting process, the lag time is to absorb the spoken English structure to American Sign Language structure.

- **Recognize that the interpreter is a professional.**

If there is sufficient time, a meeting agenda and/or a vocabulary list (for technical situations) for the interpreter should be provided prior to the assignment or at the job assignment. If the consumer who is deaf, hard of

hearing, deaf-blind or hearing is new to the interpreter, it is recommended that they meet a few minutes before the assignment to introduce themselves. This enables the interpreter and the consumer to become accustomed to each other's sign dialect and preferences. The interpreters and consumers will agree on the best placement for the interpreter (i.e., in sufficient light, not in front of a bright light source, etc.).

### **Who can I call to obtain an interpreter?**

Hawaii Interpreting Services  
(808) 394-7706  
Email: [info@interpretinghawaii.com](mailto:info@interpretinghawaii.com)

Isle Interpret  
(855) 475-3874  
Email: [info@isleinterpret.com](mailto:info@isleinterpret.com)

### **Who can I contact for credentialing of interpreters in Hawai`i?**

#### **Hawai`i Quality Assurance System**

Disability and Communication Access Board  
(808) 586-8130 TTY; (808) 586-8121 V/TTY; (808) 586-8129 FAX  
Email: [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov)

### **Who develops rules for state government agencies regarding sign language interpreter services?**

The Disability and Communication Access Board develops administrative rules for providers of communication access services, such as sign language/English interpreters. The rules establish guidelines for State Executive Branch agencies hiring providers, including credentials and recommended fees. Contact the Disability and Communication Access Board for a copy of the rules or for more information about interpreter services.

If you need to hire an interpreter on a fee-for-service basis, the next two pages, **ATTACHMENT L-1**, provide a sample purchase order for interpreter services, as well as a sample invoice from a freelance interpreter billing for services. (Please note that the hourly rate indicated on the invoice is for illustrative purposes only and not intended to reflect a recommended billing rate.)

**STATE OF HAWAII  
REQUISITION & PURCHASE ORDER  
DEPARTMENT OF HEALTH**

Department of Protocol

DOP 000

ORGANIZATION

FUNCTION AND ACTIVITY

**NOTICE TO VENDORS**

Conditions of purchase are listed on the back side of this purchase order. Please read carefully.  
Payments may be delayed if all steps are not followed.

COMMUNICATION SYSTEMS, INC.  
500 KAUAI AVENUE  
HONOLULU, HI 96800

PURCHASE ORDER NO. 005939

Date XX XX XX

Deliver Before

**DELIVERY ADDRESS**

1234 Kona Street  
Honolulu, HI 96813

**BILLING ADDRESS**

same as above

The State of Hawaii is an EQUAL EMPLOYMENT OPPORTUNITY and AFFIRMATIVE ACTION employer. We encourage the participation of women and minorities in all phases of employment.

QUAN.	UNIT	DESCRIPTION	UNIT PRICE
		Fee-for-service for Joe Hawaii to provide interpreter services to provide communication access for individuals who are deaf or hard of hearing to access the programs of the Department of _____ for the quarter ending December 31, XXXX	7190
	XX		

XXXXXX  
REQUISITIONER

XXX-XXXX  
TELEPHONE

VOUCHER NUMBER

AUTHENTICATED BY:

GOODS/SERVICES RECEIVED IN GOOD ORDER AND CONDITION BY DATE

AUTHORIZED SIGNATURE

REQUISITION NO.		FOR DEPARTMENT USE ONLY	
VENDOR			
NUMBER	SFX		
XXXXXXXXXXXX	XX		
99999	01		

SFX	TC	F	YR	APP	D	OBJECT	CC	PROJ. NO.	PH	ACT	ESTIMATED COST	ACTUAL COST	M	R		
XX	XXX	X	XX	XXX	XX	XXXX	XXXX	XXXXXXXX	XX	XXX	XXXXXXXXXXXX	XX	XXXXXXXXXXXX	XX	X	X
01	621	X	XX	000	X	7190				XXX	250 00					

STATE ACCOUNT  
JULY 1, 1983 (REV)

JOE HILO  
dba COMMUNICATION SYSTEMS, INC.  
500 Kauai Avenue  
Honolulu, HI 96800

## **INVOICE**

December 15, xxxx

Department of Protocol  
Accounts Receivable  
1234 Kona Street  
Honolulu, HI 96813

For services rendered during the month of December xxxx for interpreter services to provide communication access for individuals who are deaf or hard of hearing to access Department of Protocol programs.

December 1, xxxx	8:00 a.m. - 12:00 p.m.	4 hours @ \$60	\$240.00
Mileage	20 miles @ .560		11.20
Tax			11.31
	TOTAL		\$262.51

Please send the payment to the address listed above.

Sincerely,

JOE HILO

## **ATTACHMENT M**

### **VIDEO REMOTE INTERPRETING SERVICES**

Video Remote Interpreting (VRI) is a fee-based, off-site, realtime sign language interpreting service through a web camera with a television or computer screen with high speed Internet connection and audio connection such as conference call equipment.

VRI allows hearing and people who are deaf or hard of hearing to communicate in the same room with an off-site sign language interpreter. VRI is used in the absence of an available onsite interpreter and may not be appropriate for situations with multiple participants, complex information exchanged, or individuals with secondary or multiple disabilities to use the technology.

To achieve effective communication should you procure VRI services, there is specific ADA performance standards that must be met before your meeting. The four requirements are:

1. The realtime full motion video and audio over a dedicated high speed, wide bandwidth video connection or wireless connection that delivers high quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pause in communication;
2. A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the face, arms, hands, and fingers of the person using sign language regardless of his or her body position;
3. A clear, audible transmission of voices; and
4. Adequate staff training to ensure quick set-up and proper operation.

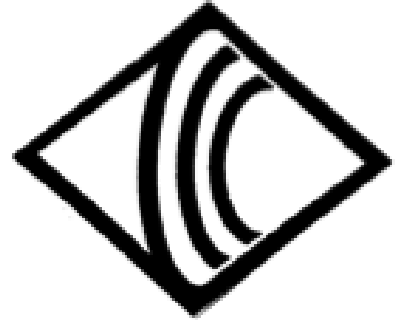
VRI fees range from minutes to per hour and available by appointment or on demand twenty-four hours a day/seven days a week. Please contact the Disability and Communication Access Board for the current list of companies that provide VRI services.



## ATTACHMENT N

### GUIDELINES FOR UTILIZING REALTIME CAPTIONERS

This symbol indicates that a certified realtime captioner is available. Realtime captioning is sometimes presented as Communication Access Realtime Translation (CART). Realtime captioning services are especially useful for people who are deaf, hard of hearing, or deaf-blind who do not use sign language and for large group events or meetings.



#### **What do realtime captioners do?**

A captioner uses stroke action that involves depressing multiple keys at a time on a stenographic machine and projects the spoken English to captions on a screen for persons with a hearing disability.

#### **What certification is required for realtime captioners?**

A certified realtime captioner holds a valid certification awarded by the National Court Reporters Association or a state board of certified shorthand reporters.

#### **Who develops the rules in Hawai`i government agencies for realtime captioners?**

The Disability and Communication Access Board developed Hawai`i Administrative Rules, Title 11, Chapter 218 that established guidelines for State Executive Branch agencies hiring providers, including credentials and recommended fees. Guidelines for realtime captioners are similar to interpreters (see **ATTACHMENT L**). Contact the Disability and Communication Access Board for more information or for a copy of the rules and a list of providers.

If you need to hire a realtime captioner on a fee-for-service basis, the following pages, **ATTACHMENT N-1**, provide a sample purchase order for realtime captioning services, as well as a sample invoice from a freelancerealttime captioner billing for services. (Please note that the hourly rate indicated on the invoice is for illustrative purposes only and not intended to reflect a recommended billing rate.)

**STATE OF HAWAII  
REQUISITION & PURCHASE ORDER  
DEPARTMENT OF HEALTH**

Department of Protocol

DOP 000

ORGANIZATION

FUNCTION AND ACTIVITY

**NOTICE TO VENDORS**

Conditions of purchase are listed on the back side of this purchase order. Please read carefully.  
Payments may be delayed if all steps are not followed.

COMMUNICATION ACCESS  
750 HAWAII BLVD.  
HONOLULU, HI 96800

PURCHASE ORDER NO. **00593910**

Date XX XX XX

Deliver Before \_\_\_\_\_

**DELIVERY ADDRESS**

1234 Kona Street  
Honolulu, HI 96813

**BILLING ADDRESS**

same as above

The State of Hawaii is an EQUAL EMPLOYMENT OPPORTUNITY and AFFIRMATIVE ACTION employer. We encourage the participation of women and minorities in all phases of employment.

QUAN.	UNIT	DESCRIPTION	OBJECT	UNIT PRICE	AMOUNT
		Fee-for-service to provide real-time captioning services to provide communication access for individuals who are deaf or hard of hearing to access the programs of the Department of _____ for the quarter ending December 31, xxxx	7190		2
	XX				

XXXXXX  
REQUISITIONER

XXXX-XXXX  
TELEPHONE

VOUCHER NUMBER

AUTHENTICATED BY:

GOODS/SERVICES RECEIVED IN GOOD ORDER AND CONDITION BY \_\_\_\_\_ DATE \_\_\_\_\_

AUTHORIZED SIGNATURE \_\_\_\_\_

REQUISITION NO.		FOR DEPARTMENT USE ONLY	
VENDOR			
NUMBER	SFX		
XXXXXXXXXXXX	XX		
99995	01		

SFX	TC	F	YR	APP	D	OBJECT	CC	PROJ NO.	PH	ACT	ESTIMATED COST	ACTUAL COST	M	R	OPT DE	
XX	XXX	X	XX	XXX	XX	XXXX	XXXX	XXXXXXXX	XX	XXX	XXXXXXXXXXXX	XX	XXXXXXXXXXXX	XX	X	XXXX
01	621	X	XX	000	X	7190				XXX	250.00					

STATE ACCOUNTING FORM  
JULY 1, 1983 REVISED

JACK LIHUE  
dba COMMUNICATION ACCESS  
750 Hawaii Blvd.  
Honolulu, HI 96800

**INVOICE**

December 20, xxxx

Department of Protocol  
Accounts Receivable  
1234 Kona Street  
Honolulu, HI 96813

For services rendered during the month of December xxxx for realtime captioning services to provide communication access for individuals who are deaf or hard of hearing to access Department of Protocol programs.

December 15, xxxx	8:00 a.m. - 11:00 p.m. 3 hours @ \$75	\$225.00
Mileage	20 miles @ .560	11.20
Tax		10.60
	<b>TOTAL</b>	<b>\$246.80</b>

Please send the payment to the address listed above.

Sincerely,

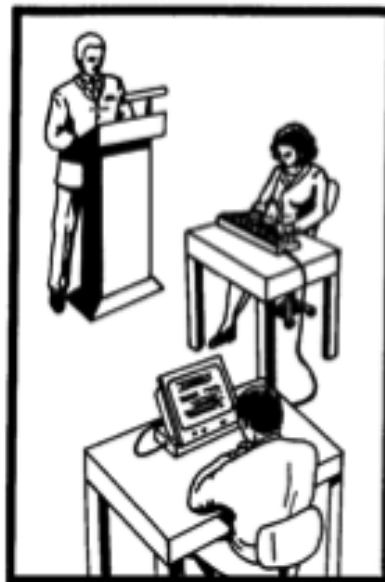
JACK LIHUE

## ATTACHMENT O

### GUIDELINES FOR UTILIZING COMPUTER-ASSISTED NOTETAKERS

#### What is computer-assisted notetaking (CAN)?

Computer-assisted notetakers provide an important service for people who are deaf, hard of hearing or deaf-blind who do not use sign language. Computer-assisted notetaking (CAN) services are performed by a typist using a laptop computer. The CAN typist provides a summary of a speaker's words or notes typed into a laptop computer and displayed on a screen. CAN services are different from realtime captioning services. CAN may be simultaneous, but not word-for-word, and there is no stenographic equipment.



#### Are computer-assisted notetakers credentialed?

No. There are no local or national organizations that award credentials for computer-assisted notetakers. It is advisable that a state agency utilize a person who meets all or a majority of the following characteristics in order to provide computer-assisted notetaking services:

- ability to organize and summarize information
- ability to type at least sixty words per minute
- familiarity with the subject being discussed and specialized vocabulary
- experience working with consumers who are deaf, hard of hearing, or deaf-blind
- working knowledge of laptop computers and word processing software
- good auditory, verbal, and spelling skills

## **Who develops rules for Hawai`i state government agencies regarding computer-assisted notetakers?**

The Disability and Communication Access Board developed Hawai`i Administrative Rules, Title 11, Chapter 218 for providers of communication access services, such as computer-assisted notetakers. The rules establish guidelines for State Executive Branch agencies hiring providers, including recommended fees. Guidelines for computer-assisted notetakers are similar to realtime captioners (see **ATTACHMENT N**). Contact the Disability and Communication Access Board for more information or for a copy of the rules.

If you need to hire a computer-assisted notetaker on a fee-for-service basis, the next two pages, **ATTACHMENT O-1**, provide a sample purchase order for computer-assisted notetaker services, as well as a sample invoice from a freelance computer-assisted notetaker billing for services. (Please note that the hourly rate indicated on the invoice is for illustrative purposes only and not intended to reflect a recommended billing rate.)

**STATE OF HAWAII  
REQUISITION & PURCHASE ORDER  
DEPARTMENT OF HEALTH**

Department of Protocol

DOP 000

ORGANIZATION

FUNCTION AND ACTIVITY

**NOTICE TO VENDORS**

Conditions of purchase are listed on the back side of this purchase order. Please read carefully. Payments may be delayed if all steps are not followed.

ADAPTATION, INC.  
PO BOX 500  
HONOLULU, HI 96800

**PURCHASE ORDER NO.** 00593910

Date XX XX XX

Deliver Before \_\_\_\_\_

**DELIVERY ADDRESS**

1234 Kona Street  
Honolulu, HI 96813

**BILLING ADDRESS**

same as above

The State of Hawaii is an EQUAL EMPLOYMENT OPPORTUNITY and AFFIRMATIVE ACTION employer. We encourage the participation of women and minorities in all phases of employment.

QUAN.	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
	XX	Fee-for-service for computer assisted notetaker to provide communication access for individuals who are deaf or hard of hearing to access the programs of the Department of _____ for the quarter ending December 31, xxxx	7190	250.0

XXXXX  
REQUISITIONER

XXX-XXXX

TELEPHONE

VOUCHER NUMBER

AUTHENTICATED BY:

GOODS/SERVICES RECEIVED IN GOOD ORDER AND CONDITION BY \_\_\_\_\_ DATE \_\_\_\_\_

AUTHORIZED SIGNATURE \_\_\_\_\_

REQUISITION NO.		FOR DEPARTMENT USE ONLY			
VENDOR					
NUMBER	SFX				
XXXXXXXXXXXX	XX				
000555	00				

SFX	TC	F	YR	APP	D	OBJECT	CC	PROJ NO.	PH	ACT	ESTIMATED COST	ACTUAL COST	M	R	OPT DEPT	
XX	XXX	X	XX	XXX	XX	XXXX	XXXX	XXXXXXXX	XX	XXX	XXXXXXXXXXXXXX	XX	XXXXXXXXXXXXXX	XX	X	XXXXXX
01	621	X	XX	000	X	7190				XXX	250.00					

STATE ACCOUNTING FORM C  
7-73 (REV. 10-1987)

JANE KAUI  
dba ADAPTATION, INC.  
P.O. Box 500  
Honolulu, HI 96800

## **INVOICE**

December 15, xxxx

Department of Protocol  
Accounts Receivable  
1234 Kona Street  
Honolulu, HI 96813

For services rendered during the month of December xxxx for computer-assisted notetaker services to provide communication access for individuals who are deaf or hard of hearing to access Department of Protocol programs.

December 1, xxxx	8:00 a.m. - 10:00 a.m.	2 hours @ \$25	\$50.00
December 3, xxxx	8:00 a.m. - 9:00 a.m.	1 hour @ \$25	25.00
Mileage	20 miles @ .560		11.20
Tax			3.53
TOTAL			\$89.73

Please send the payment to the address listed above.

Sincerely,

JANE KAUI

## ATTACHMENT P

### INFORMATION ON SERVICE ANIMALS

#### What is a service animal?

The Americans with Disabilities Act (ADA) defines a service animal as “any dog individually trained to do work or perform tasks for the benefit of an individual with a disability.” The work or tasks performed by a service animal must be directly related to the individual’s disability. Hawai`i law has a similar, but more specific definition.



It relates only to dogs that assist people with disabilities. A “service dog” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, intellectual, or other mental disability. A companion or comfort animal is not a service dog unless it meets the requirements of this definition and it accompanies a person for the purpose of performing the work or tasks for which it has been trained.

A service animal is not a pet. Furthermore, a service animal must perform specific functions and tasks that the individual with a disability cannot perform for him or herself due to his or her disability. An animal that merely provides companionship and is not trained to perform tasks is not a service animal, but a pet.

#### How can I tell if an animal is really a service or assistance animal and not a pet?

Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. If it is not obvious that the person has a disability, you may ask the person who has the animal if it is a service animal required because of a disability. However, an individual generally is not required to show documentation as a condition for providing service to the individual when accessing a government site. Some exceptions are for housing or restricted access areas.

If you have a concern, ask the person who is using a dog and has no obvious disability the following:

“Is this a service animal required because of your disability?”



If the person answers “yes,” then a second question may be asked: “What work or tasks has this animal been trained to perform?” The answer must address tasks the handler and service dog are trained to perform or understand. You should generally accept his or her word as proof unless the animal’s behavior indicates otherwise. The animal must be under the control of the handler and housebroken.

### **What can you expect from a service animal and his or her handler?**

Although a service animal is not necessarily harnessed, it is reasonable to expect that the service animal will remain under the control and direct supervision of the person with a disability and not stray unattended in the facility or site. Otherwise, the animal is not performing its function as an “aide” for the person with a disability. Under state law, if the service animal is a dog, it should be on a leash.

You can expect appropriate, non-disruptive behavior from a service animal. You may exclude any animal, including a service animal, from your facility when that animal’s behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. You may not, based on your past experience with other animals, make assumptions about how a particular animal is likely to behave. Each situation must be considered individually.

Although you may exclude any service animal that is out of control, you should give the individual with a disability who uses the service animal the option of continuing to enjoy your goods and services without having the service animal on the premises.

You can expect a person with a disability to care for the individual’s service animal. The care or supervision of a service animal is the responsibility of the owner or handler. You, as a state department or agency, are not required to provide care or food or a special location for the animal. However, it is helpful to have an appropriate location designated where a person may be directed to take the service animal if the animal needs to be relieved.

### **Are dogs the only animal that is considered a “service animal”?**

Under the 2010 ADA amendments that took effect on March 15, 2011, service animals are specifically defined as “dog.” However, there is a provision made

that addresses miniature horses. A miniature horse does not meet the definition of “dog,” however a state, county, or private entity shall make

reasonable modifications to policies, practices or procedures to permit the use of a miniature horse as a service animal. The same provision that applies to a service dog applies to a miniature horse. The facility may assess whether or not it can accommodate the use of a miniature horse based on the type, size and weight of the animal as well as what types of activities are occurring on a specific day. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider:

- (1) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- (2) Whether the handler has sufficient control of the miniature horse;
- (3) Whether the miniature horse is housebroken and
- (4) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

## ATTACHMENT Q

### CAPTIONING, TRANSCRIPTS, AND AUDIO/VIDEO DESCRIPTION

#### Captions

Captions are text versions of the spoken word presented within multimedia. Captions allow the content of web audio and video to be accessible to those who do not have access to audio. Though captioning is primarily intended for those who cannot hear the audio, it has also been found to help those that can hear audio content, those who may not be fluent in the language in which the audio is presented, those for whom the language spoken is not their primary language, etc.

Common web accessibility guidelines indicate that captions should be:

- **Synchronized** – the text content should appear at approximately the same time that audio would be available
- **Equivalent** – content provided in captions should be equivalent to that of the spoke word
- **Accessible** – caption content should be readily accessible and available to those who need it

On the web, synchronized, equivalent captions should be provided any time multimedia content (generally meaning both visual and auditory content) is present. This obviously pertains to the use of audio and video played through multimedia players and HTML5 video, but can also pertain to such technologies as Flash or Java when audio content is a part of the multimedia presentation.

#### Captions as typically seen on television

Captions can be either open or closed. Closed captions can be turned on or off, whereas open captions are always visible.

All television sets with screen sizes of thirteen inches and larger must contain the hardware to interpret and display closed captions. Closed captioning of most pre-recorded television programs is now a legal requirement in the United States. Television closed captioning is used by millions of individuals

who are deaf or hard of hearing; millions more use it in the classroom or in noisy environments – like bars, restaurants, and airports. As the average age

of the population increases, so does the number of people with hearing impairments. According to the U.S. government figures, one person in five has some functional hearing limitation. Because of the growing need for access to captions, programs now include closed captions that can be easily enabled and viewed on screen.

### **Captions as seen on DVD**

Closed captions for television are very limited in their formatting, because the caption look, feel, and location are determined by the caption decoder built into the television set.

### **Captions as seen in a web media player**

Open captions are similar to, and include the same text, as closed captions, but the captions are a permanent part of the video picture, and cannot typically be turned off. Open captions are not decoded by the television set, but are a part of the video information. This typically requires a video editing or encoding program that allows you to overlay titles onto the video. The captions are visible to anybody viewing the video clip and cannot be turned off. This gives you total control over the way the captions appear, but can be very time consuming and expensive to produce. This technique allows for more control over caption location, size, color, font, and timing. For web video, captions can be open, closed, or both. Closed captions are most common, utilizing functionality within video players and browsers to display closed captions on top of or immediately below the video area.

The most common forms of web multimedia – Flash and HTML5 Video – both support captioning. Older technologies, such as a Windows Media Player, Quick Time, and RealPlayer also support captioning. The formats and techniques for authoring and implementing captions may vary based on the technology used.

### **Transcripts**

Transcripts also provide an important part of making multimedia content accessible. Transcripts allow anyone that cannot access content from web audio or video to read a text transcript instead. Transcripts do not have to be verbatim accounts of the spoken word in a video. They should contain additional descriptions, explanations, or comments that may be beneficial, such as indications of laughter or an explosion. Transcripts allow deaf-blind users to get content through the use of refreshable Braille and other devices.

For most video/DVD, web video, both captions and a text transcript should be provided. For content that is audio only, a transcript will usually suffice.

Transcripts provide a textual version of the content that can be accessed by anyone. They also allow the content of your multimedia to be searchable, both by computers (such as search engines) and by end users. Screen reader users may also prefer the transcript over listening to the audio of the web multimedia. Most proficient screen reader users set their assistive technology to read at a rate much faster than most humans speak. This allows the screen reader user to access the transcript of the video/DVD and get the same content in less time than listening to the actual audio content.

### **Audio Description/Video Descriptions**

Audio description, also called video description, refers to audio provided to describe the visual aspects of a video or other multimedia presentation to someone unable to see them. It may be explicit, with a narrator providing description during breaks in the main sound track, or implicit, provided by the speaker(s) in the main sound track. Video description is a type of audio equivalent that is synchronized with the main sound track and visuals.

If web video is produced with accessibility in mind, then video descriptions may be unnecessary, as long as visual elements within the video are described in the audio portion of the program.



# ATTACHMENT R

## SITE ACCESSIBILITY

This checklist has been prepared to assist you in assessing your site. This survey tool is not a checklist to ensure full compliance with all the design requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and should not be used to assess facilities undergoing new construction or alterations. It is a guide for program accessibility.

The goal of your survey is to identify a facility which can provide for the maximum integration of people who have disabilities into your program, service, or activity. Use this checklist to identify the major accessibility features of the site(s) you are considering and to select between the options you have available.

For those areas which are deficient in meeting the design guidelines, you should make corrections or adaptations. In some instances, alternate solutions using staff, rented equipment, etc., will suffice for the temporary needs of your training activity. In other instances, you may need to select an alternate site.

### **Parking**

Where parking is provided, accessible parking should be available at the site for individuals who have disabilities who drive their own vehicles or are passengers in vehicles driven to the site. Accessible parking should have the following features:

- \_\_\_\_\_ Stalls reserved for people with disabilities should be visibly marked with the International Symbol of Accessibility.
- \_\_\_\_\_ There should be accessible parking for a car (8' wide stall plus 5' wide access aisle).
- \_\_\_\_\_ There should be accessible parking for a van (11' wide stall plus 5' wide access aisle).
- \_\_\_\_\_ All accessible parking should be located on the shortest accessible route to an accessible entrance.

\_\_\_\_\_ All accessible parking should connect to an accessible route to an accessible entrance.

If the site does not have accessible parking which meets the above criteria, arrange to designate new stalls or redesign existing stalls. If such arrangements are not possible, valet parking service may be a sufficient alternative, although valet service is very inconvenient for any program, service, or activity other than a conference or workshop where a non-state facility with parking attendants is used.

### **Passenger loading zones**

Where passenger loading zone(s) is provided, the site should have an accessible passenger loading zone to allow drivers to load or unload people with disabilities safely at the site. An accessible passenger loading zone at the site should have the following feature:

\_\_\_\_\_ Accessible passenger loading zone(s) should be wide enough to allow a person to exit and enter a vehicle (5' wide access aisle) without going into traffic.

If the site does not have an accessible passenger loading zone which meets the above criteria, arrange to designate an area for safe loading and unloading. A designated area should not be a freight or other service delivery area which is not also a regular entrance for the public.

### **Entrance**

The site must have an entrance which is accessible. This entrance should be the primary entrance of the facility, but may also be a secondary entrance, as long as the entrance is also an entrance for the general public and is not segregated for people who have disabilities. An accessible entrance should have the following features:

\_\_\_\_\_ Entrance should be located on an accessible route from the accessible parking stalls and the accessible passenger loading area.

\_\_\_\_\_ If the entrance has steps or stairs, there should be a wheelchair lift or a ramp with a slope no greater than 1:12, with handrails on both sides, and 5' wide and 5' deep level landing at the top and bottom of the ramp.

\_\_\_\_\_ If there are doors which must be manipulated, they should be 32" wide, have 18" of clear wall space on the pull side of the door, be easy to open (5 pound force maximum), have door handles no higher than

48" off the finished floor, be operable with a closed fist, and have thresholds no higher than 1/2" beveled.

\_\_\_\_\_ If the site has multiple entrances, some of which are inaccessible, there should be clear markings at the inaccessible entrances directing people to the accessible entrance.

If the site does not have an entrance which meets the above criteria, arrange to create an accessible entrance. An accessible entrance should not be a freight or other service delivery area which is also not a regular entrance for the public.

Utilizing staff to open or close the door for a person who has a disability at the site may be a possible alternative to assist with opening doors with inaccessible hardware, push force, etc.

### **Interior routes**

At least one of all necessary routes which will be used by the people accessing your program, service, or activity should be accessible. These include the routes from the accessible entrance(s) to the program area(s), restrooms, and other designated program area(s). An accessible interior route should have the following features:

\_\_\_\_\_ Route(s) should provide direct access to all public areas on an accessible path which is at least 36" wide.

\_\_\_\_\_ Route(s) should be slip-resistant and, if carpet is used, it should be low-pile and tightly woven.

\_\_\_\_\_ Route(s) should be free of protruding objects which cannot be detected by a cane used by a person who is blind. A protruding object is one which extends more than 4" from the wall with the lower edge higher than 27" off the floor or hanging lower than 80" above the floor.

\_\_\_\_\_ Where signs identifying permanent rooms and spaces are provided, room(s) should be designated with tactile signage on the latch side of the door.

\_\_\_\_\_ If travel is required to multiple floors, there should be an elevator which is large enough to accommodate a person in a wheelchair, with call buttons, panel controls, and emergency phone within reach of a person in a wheelchair (no higher than 48").

\_\_\_\_\_ On any level utilized for a program, service, or activity, if there are stairs, there must be an accessible alternate route (e.g., ramp).

\_\_\_\_\_ If there are doors which must be manipulated, they should be 32" wide, have 18" of clear wall space on the pull side of the door, be easy to open (5 pound force maximum; hardware no higher than 48" and operable with a closed fist); with thresholds no higher than 1/2" beveled.

Ideally, the layout and circulation pattern should permit people who have disabilities to move throughout all areas without special assistance. Where the facility does not provide full accessibility, assistance or alternative services should be available. However, if there are significant problems with accessibility in the interior route (e.g., steps with no ramp), you should consider an alternate site.

### **Phones and drinking fountains**

Phones or drinking fountains at the site should be accessible with the following features:

\_\_\_\_\_ If there are drinking fountains, at least one in close proximity to the program, service, or activity should be accessible (spout no higher than 36" from the floor; controls on the front or the side near the front edge and operable with a closed fist; and clear floor space of 30" x 48" in front of the drinking fountain).

\_\_\_\_\_ If there are telephones, at least one in close proximity to the program, service, or activity should be accessible to a person in a wheelchair (highest operable part no higher than 48"; push button controls; and clear floor space of 30" x 48" in front of the telephone).

\_\_\_\_\_ If there are telephones, at least one in close proximity to the program, service, or activity should be accessible to people who are deaf or hard of hearing (hearing aid compatibility; volume control identified with signage; and TTY equipped and identified with signage bearing the International TTY Symbol).

Provision of water with drinking glasses and straws at the table may be a suitable alternative to compensate for an inaccessible drinking fountain. Provision of portable TTYs or accessible desk phones may be a suitable alternative to compensate for an inaccessible phone.

## Public restrooms

Where public restrooms are provided, the site should have one accessible public restroom for both men and women (either one for each sex or unisex). Ideally, those restrooms should be the same ones used by all members of the public located in close proximity to the program, service, or activity. An accessible public restroom should have the following features:

- \_\_\_\_\_ Accessible toilet facilities should be located on an accessible route.
- \_\_\_\_\_ If there are doors which must be manipulated, they should be 32" minimum wide, have 18" of clear wall space on the pull side of the door, be easy to open (5 pound force maximum; hardware no higher than 48" and operable with a closed fist); with thresholds no higher than 1/2" beveled.
- \_\_\_\_\_ Restrooms should have adequate maneuvering space for a person in a wheelchair (5' circle or T-shaped turnaround space).
- \_\_\_\_\_ The door to the accessible stall should be 32" minimum wide, be easy to open (5 pound force maximum; hardware no higher than 48" and operable with a closed fist), with door swinging outward.
- \_\_\_\_\_ The accessible toilet stall should be 5' x 5' minimum, clear of the door swing, with the toilet positioned 16"-18" centerline to the wall, with grab bars behind and on the side wall nearest the toilet, and toilet seat 17"-19" high.
- \_\_\_\_\_ There should be one lavatory which is accessible (30" x 48" clear floor space in front; maximum of 25" depth under the lavatory; rim no higher than 34"; minimum of 27" from the floor to the bottom of the lavatory; with hardware operable with one closed fist).
- \_\_\_\_\_ Soap and other dispensers should be mounted 48" high or less, have 30" x 48" clear floor space in front, and be usable with one closed fist.
- \_\_\_\_\_ Mirror should be mounted with bottom edge of reflecting surface no higher than 40".
- \_\_\_\_\_ If the facility has multiple restrooms, some of which are accessible, there should be clear marking at the inaccessible restrooms, directing people to the accessible restrooms.

Staff may help with opening doors with inaccessible hardware, push force, accessing dispensers, turning water faucets on and off, etc. However, if the accessibility deficiencies are more serious and a person cannot enter the restroom or the accessible stall, you should consider an alternate site.

## **Meeting rooms**

Each of the rooms used for your conference, training, or workshop should be accessible for people with disabilities. An accessible meeting room should have the following features:

- \_\_\_\_\_ If there are doors which must be manipulated, they should be 32" wide, have 18" of clear wall space on the pull side of the door, be easy to open (5 pound force maximum; hardware no higher than 48" and operable with a closed fist); with thresholds no higher than 1/2" beveled.
- \_\_\_\_\_ Meeting rooms should have adequate maneuvering space for a person in a wheelchair (5' circle or T-shaped turnaround space).
- \_\_\_\_\_ Pathways in the meeting rooms should be at least 36" wide.
- \_\_\_\_\_ Tables should have a minimum 27" knee space, 17" depth, 30" width, and tops between 28"-34" in height.

## **Guest rooms (for overnight lodging)**

If your activity is a multi-day event, overnight accommodations for participants should include options for people who have disabilities. An accessible guest room should have the following features:

- \_\_\_\_\_ Doors to the guest room and bathroom should be 32" wide, have 18" of clear wall space on the pull side of the door, be easy to open (5 pound force maximum; hardware no higher than 48" and operable with a closed fist); with thresholds no higher than 1/2" beveled.
- \_\_\_\_\_ Guest rooms and bathrooms should have adequate maneuvering space for a person in a wheelchair (5' circle or T-shaped turnaround space).

\_\_\_\_\_ The water closet (toilet seat) should be positioned 16"-18" centerline to the wall, with grab bars behind and on the side wall nearest the toilet, and toilet seat 17"-19" high.



- \_\_\_\_\_ The lavatory should have 30" x 48" clear floor space in front; maximum of 25" depth under the lavatory; rim no higher than 34"; minimum of 27" from the floor to the bottom of the lavatory; with hardware operable with one closed fist.
- \_\_\_\_\_ Soap dispensers, hair dryers, and other accessories should be mounted 48" high or less, have 30" x 48" clear floor space in front, and be usable with one closed fist.
- \_\_\_\_\_ The tub or shower area should have grab bars provided on the side wall of the tub, a hand-held shower on hose with adjustable height bar, and a clear floor space to approach the shower or tub. A roll-in shower is desirable.
- \_\_\_\_\_ Mirror should be mounted with the bottom edge of the reflecting surface no higher than 40".
- \_\_\_\_\_ Rooms designated for people who are deaf or hard of hearing should have visual alarms and visible notification devices to alert room occupants of incoming telephone calls and a door knock or bell.

# **ATTACHMENT S**

## **INFORMATION ON ASSISTIVE LISTENING SYSTEMS AND DEVICES**

There are degrees of hearing loss: mild, moderate, severe, and profound. A hearing disability is an invisible condition, one cannot see the disability. A person with a hearing disability may use a hearing aid, cochlear implant, or assistive listening device to improve hearing however it does not correct hearing.

### **What are ALSs?**

Assistive Listening Systems (ALSs) are sometimes called Assistive Listening Devices (ALDs). Essentially they are amplifiers that bring sound directly into the ear. They separate sounds from background noise to the speech that a person wants to hear. They improve what is known as the “speech to noise ratio.”

### **How do ALSs help facilitate communication?**

There are ALSs that increase volume to achieve normal hearing to communicate with another. A person with a hearing disability may request for an ALS, realtime captioner and ASL interpreter to participate in a meeting or conference.

### **Can ALSs be used by some people who are deaf?**

Yes. ALSs are used by people with any degree of hearing loss, from mild to profound.

### **Where do people use ALSs?**

There are three ways ALSs assist a person with hearing disability. ALSs minimizing background noise; reducing the effect of distance between the sound source and the deaf or hard of hearing person; and overriding poor acoustics such as echo. People use ALSs in places of environment, employment, and education, as well as for home/personal use.

## **What are the types of ALS?**

ALSs utilize FM, infrared, or inductive loop technologies. All three technologies are good. Each one has advantages and disadvantages.

## **What are FM systems?**

FM systems are ALSs that use radio broadcast technology. They are often used in educational settings and offer mobility and flexibility when used with portable transmitters. Some newer FM systems utilize miniaturized receivers that fit onto a hearing aid with a “boot.”

This smaller type of receiver is not available through a catalogue. It must be dispersed by a hearing aid professional and is more expensive than traditional FM systems. It also uses a high frequency making it incompatible with other FM systems.

## **What are Infrared systems?**

Infrared systems are ALSs that utilize light-based technology. They guarantee privacy because light does not pass through walls. They are the appropriate choice for situations such as court proceedings that require confidentiality. They are frequently installed in places of entertainment and also designed and marketed for home entertainment.

## **What are Inductive Loop Systems**

Wide area loop systems utilize an electromagnetic field to deliver sound. They offer convenience to groups of t-coil hearing aid users because those users do not require to wear a receiver. Loop systems can be used by non-hearing aid users through use of a headphone and inductive loop receiver.

## **What are the basic parts of an ALS?**

Each ALS has at least three components: a microphone, a transmission technology, and a device for receiving the signal and bringing the sound to the person with a hearing disability. This is important to understand in order to troubleshoot problems systematically and to improve a system's effectiveness.

## **When do I need to obtain assistance from a sound contractor?**

Sometimes users stretch a limited system too far by using products ordered from consumer catalogues. Large group settings are complex and often justify hiring a professional contractor to sell and install a system. Additional equipment may be required such as a microphone mixer. An automatic microphone mixer turns microphones up and down when an individual speaks so that the “closed” microphones do not detract from the “open” microphone’s signal quality.

## **What are the differences in listening couplers?**

It is important to learn about the variety of ALDs. The decision to use a headset, earphone, neckloop, silhouette inductor or other connector will depend upon whether the person has a telecoil on their hearing aid. For example, one cannot put an earplug into an ear that already has a hearing aid. Some couplings are more effective than others. Discuss these issues with your hearing aid dispenser.

Cochlear implant users may use a patch cord to connect an ALS receiver directly to their speech processor (see explanation of patch cord below). Some speech processors are “body pack” sized. Others are “ear level” and miniaturized to the size of a behind-the-ear hearing aid. Consumers with ear level speech processors can utilize neckloops for listening in the same way as hearing aid users.

## **What are patch cords?**

Familiarity with patch cords is necessary to ensure optimal connections. Patch cords are short wires with a plug at each end, enabling a connection between a cochlear implant speech processor and the jack of the equipment the cochlear implant user is listening to. One patch cord manufacturer advises connecting the short end of the speech processor. Some cords have a mini plug (2.5 mm instead of 3.5 mm) for connecting to devices requiring the smaller plug. Consumers report varied experience with the quality and effectiveness of patch cords.

Electrical requirements of devices vary, as do patch cord features. Therefore, consumers need to be aware that one cord may not work with everything. It is frustrating, for example, to want to patch into a cell phone without knowing whether the cord will work and to be unable to receive advice on this

specialized issue from the local retail sales person. However, some vendors sell patch cords that work with the phones they sell.

Patch cord manufacturers may be able to provide information on compatibility, as may ALS manufacturers and cochlear implant manufacturers. There is no central list at this time to guide consumers through the confusion of compatibility between all brands and models.

### **What about 1-on-1 personal amplifiers?**

ALDs are personal amplifiers that are used to increase volume in face-to-face and small group conversations. They are boxes about the size of a deck of cards with both a microphone and listening cord connected to them. This type of ALD is less effective when you hold it far from the sound source, and it is relatively inexpensive. It will cost approximately \$200, whereas a personal FM system, for example, could cost between \$700 and \$1,000.

### **What is a sound field system?**

Sound field is a speaker system that brings the sound closer to listeners and is often used in schools. It may be helpful to people with a mild hearing loss as well as people who want to use inconspicuous (hidden) speakers. Some speakers are wireless and designed to look like lunch boxes or books. Hearing aid users as well as cochlear implant users who want to hear through their microphones may appreciate use of a sound field system.

One interesting feature of using a sound field system is the concept of “electronic curbcut.” Sound field system heard by many people is proven to result in a general rise in class test scores, even by people who do not have a hearing loss. It also saves the teacher from having to “talk loud” all day.

### **Are ALSs required?**

Wide area ALSs are also covered under Title III of the Americans with Disabilities Act (ADA). This title stipulates that ALSs be provided in public places unless a provider can prove that it is an undue burden. Examples of such venues include movie theaters, live performance theaters, and public classes. The ADA specifies that ALS receivers be provided at no cost and specifies the number of receivers that must be provided depending on the number of seats (4% rule). Revised ADA Guidelines to be released in the future are expected to increase standards for performance of ALS and address related issues.

ALSs may also be indicated under ADA Title I (employment accommodations) as well as Title II (accommodations provided by state and local governments). Other public policies that may require use of ALSs include Section 504 of the Rehabilitation Act (affecting federally funded agencies and the Individuals with Disabilities Education Act).

**Adapted from “Benefits of Assistive Listening Systems” by David Baquis.**

**Information from: National Association of the Deaf, [www.nad.org](http://www.nad.org).**