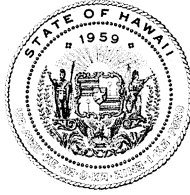


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

OCT - 3 2025

ADMINISTRATIVE DIRECTIVE NO. 25-03

TO: All Department and Agency Heads

SUBJECT: Accessibility to State Government by Persons with Disabilities

This Administrative Directive supersedes, consolidates, and updates the previous Administrative Directive 12-06 (AD) relating to Accessibility 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 previous Administrative Directive, 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. On April 24, 2024, the DOJ issued a new rule on the Accessibility of Web Content and Mobile Apps for Title II of the ADA, State and Local Governments. In accordance with 28 CFR Section 35.200 (DOJ rule) a public entity with a total population of 50,000 or more shall ensure compliance by April 24, 2026. Guidance on the Accessibility of Web Content and Mobile Apps can be found in the Hawai'i Electronic Information Technology Disability Access Standards on the Office of Enterprise Technology Services website.

This Administrative Directive reaffirms the State's commitment to accessibility for individuals with disabilities set forth under the ADA 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 directive focuses on the following topics:

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

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 party responsible should contact the Department of Accounting and General Services (DAGS). DAGS has a checklist that will assist the agency 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) 586-0505.

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 electronic information technology (EIT) provides digital access to programs, services, and activities to the public twenty-four hours a day, seven days a week (24/7). Departments and agencies shall ensure all EIT conforms with the Hawai'i Information Technology Disability Access Standards. Guidance regarding access to programs, services, and activities of State government is available in the *Programs and Services Reference 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 the request of

qualified individuals with disabilities. Auxiliary aids or services may be for individuals who are deaf, hard of hearing, deaf-blind, blind, have low vision, or have speech disorders. 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.

Requests for auxiliary aids or services must be reasonable; each request will need to be evaluated on a variety of factors including timeliness to determine if it is reasonable. State agencies should make every effort to fulfill the request, and if they are unable to, offer any alternative accommodation if one exists. 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 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 reverses the impact of previous U.S. 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. Consult with your departmental ADA coordinator

for guidance on the provision of reasonable accommodation for State job applicants and employees.

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.

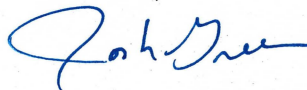
Each department and agency head shall continue their responsibility and effort to provide equal opportunities to individuals with disabilities in the provision of programs and services, equal access to employment, and effective communication in all aspects of State government. Each department must designate an ADA coordinator/liaison. This individual shall be responsible for both ADA Title I (employment) issues and ADA Title II (access to State and local government) issues.

Notice of ADA Rights

Each department and agency must post on its website's main page the attached notice or a link to the notice. The notice should be amended by inserting the name of the department or agency and the name and contact information of the ADA coordinator in the modifications of policies and procedures section and the grievance procedure section. Questions on the Website Accessibility Statement can be directed to the Office of Enterprise Technology Services; all other questions should be directed to DCAB.

Your full cooperation in complying with the provisions of this Administrative Directive is essential.

Mahalo,

A handwritten signature in blue ink, appearing to read "Josh Green".

Josh Green, M.D.

Governor, State of Hawai'i

Attachment

Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the **[name of agency]** will not discriminate against qualified individuals with disabilities on the basis of disability in its programs, services, or activities.

Employment: **[name of agency]** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: **[Name of agency]** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **[name of agency's]** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision disabilities.

Modifications to Policies and Procedures: **[Name of agency]** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **[name of agency]** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **[name of agency]**, should contact **[name and contact information for ADA Coordinator]** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **[name of agency]** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

[Name of agency] will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Website Accessibility Statement

The **[name of agency]** is committed to ensuring digital accessibility for all users, including individuals with disabilities. We are continually working to improve the accessibility and usability of our website to provide an inclusive experience for all visitors.

Our efforts align with the Hawai'i Electronic Information Technology Disability Access Standards established under Act 172, SLH 2022, c 172. §3, the requirements set forth by the Americans with Disabilities Act (ADA) Title II, and the accessibility standards outlined in Section 508 of the Rehabilitation Act. In accordance with the U.S. Department of Justice's (DOJ) final rule on web accessibility, we strive to meet the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standards.

Third-Party Content and External Links

Some pages on this website may contain third-party content or links to external sites that are not fully controlled by **[name of agency]**. While we strive to ensure accessibility, we cannot guarantee compliance for these external resources.

Feedback and Assistance

If you encounter accessibility barriers while using our website or require assistance accessing content, please contact us:

Email: **[Agency email]**

Phone: **[Agency phone]**

To help us address your concerns, please include:

- The specific URL (web address) of the page where you encountered the issue.
- A brief description of the problem; and
- Your contact information and the preferred format for receiving the information (e.g., large print, audio, or electronic format).

The **[name of agency]** remains dedicated to improving digital accessibility and appreciates your feedback as we continue to enhance the online experience for all users.

Reasonable Accommodations

If you require a reasonable accommodation to access information in an alternative format, please contact us. We will make every effort to provide the requested materials in a timely manner and ensure equal access to our digital resources.

Telecommunications Relay Service

Individuals who are deaf, hard of hearing, or have speech disabilities can contact us using the Telecommunications Relay Service (TRS) by dialing 711. TRS allows users to communicate through a relay operator who facilitates the conversation. For more information on TRS, visit the Federal Communications Commission (FCC) website at www.fcc.gov/TRS.

Organizational Policies and Procedures on Digital Accessibilities

- [Hawai'i Electronic Information Technology Disability Access Standards](#)

Grievance Procedure Under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of programs, services, activities, or benefits by the **[name of agency]**. The State's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

[Name of Designated ADA Coordinator]

[Contact Information for ADA Coordinator to include mailing address and phone number]

Within 15 calendar days after receipt of the complaint, **[Name of Designated ADA Coordinator]** or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **[Name of Designated ADA Coordinator]** or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **[name of agency]** and offer options for substantive resolution of the complaint, including how to appeal the response.

If the response by **[Name of Designated ADA Coordinator]** or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the

decision within 15 calendar days after receipt of the response to the **[Name of Designated ADA Coordinator]** or designee.

Within 15 calendar days after receipt of the appeal, the **[Name of Designated ADA Coordinator]** or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, **[Name of Designated ADA Coordinator]** or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by **[Name of Designated ADA Coordinator]** or designee, appeals **[Name of Designated ADA Coordinator]** or designee, and the responses will be retained by the **[name of agency]** for at least three years.

File an Official Complaint

If the grievance process does not resolve your issue, official complaints under HRS §368-1.5 can be submitted to the Hawai'i Civil Rights Commission (HCRC), specifically in situations where a person may, by reason of their disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by state agencies, or under any program or activity receiving state financial assistance.

Instructions for filing a complaint can be found on the [HCRC website](#).

The information on this page was last updated on **[Date of Last Update]**.