AGENDA

Disability and Communication Access Board
General Meeting

Location: Kamamalu Building
1010 Richard Street, Conference Room 111A
Date: March 15, 2018
Time: 11:00 a.m. to 1:00 p.m.

I. Call to Order

II. Roll Call

III. Approval of Meeting Minutes of January 18, 2018

IV. Executive Director’s Report
   • Office Move
   • Budget
   • Personnel

V. Old Business
   A. ADA Coordination Update
   B. State and County Motor Vehicle Weight Tax and Lift-Equipped Non-Commercial Vehicles – Update
   C. General Excise Tax on Vehicles Modified for Use by a Person with a Disability - Update
   D. Ride Hailing Vehicles at the Honolulu International Airport - Update
   E. Handi-Van Fare Changes - Update
   F. H.R. 620 - ADA Education and Reform Act - Update

VI. New Business
   A. Department of Agriculture, Animal Quarantine Division, Proposed Hawaii Administrative Rules, Chapter 4-29, “Dogs, Cats, and Other Carnivores” (refer to staff summary)
   B. Emergency Preparedness and Communication Access
C. Nominating Committee

VII. Committee Reports

A. Executive Committee  (No report)

B. Legislative Committee
   • Ratification of Minutes of January 24, 2018, January 31, 2018, February 7, 2018, February 14, 2018, February 21, 2018, March 7, 2018

C. Standing Committee on Communication Access
   • Hawaii Quality Assurance System – Update
   • American Sign Language Interpreter Continuing Education Unit Workshops
   • Hawaii Administrative Rules, Title 11, Chapter 218, “Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind”
   • 2018 Legislation on Open Captioning of Movies
   • Interpreter Mentoring
   • Other Communication Activities from the Plan of Action

D. Standing Committee on Facility Access
   • Document Reviews – Update
   • Disability Access Conference, May 10, 2018
   • Other Facility Access Activities from the Plan of Action

E. Standing Committee on Parking
   • Parking Program Issuance and Statistics – Update
   • 2018 Legislation on Parking
   • Public Education Outreach Efforts – Update
   • Other Parking Activities from the Plan of Action

F. Special Parent Information Network
   • SPIN Conference, April 21, 2018
   • Update of Activities for Informational Purposes Only

VIII. Open Forum

IX. Next Meeting: May 17, 2018

X. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact (808) 586-8121 (voice) or email at dcab@doh.hawaii.gov by March 9, 2018.
DISABILITY AND COMMUNICATION ACCESS BOARD

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

MINUTES

Disability and Communication Access Board
General Meeting

Location: Kamamalu Building
1010 Richard Street, Conference Room 111A

Date: March 15, 2018
Time: 11:00 a.m. to 1:00 p.m.

PRESENT: Bill Bow, Chairperson; Pauline Aughe, Ed Chevy, Scott Fleming, Nikki Kepo’o, Marie Kimmey, Summer Kozai, Phyllis Meighen, Michael Okamoto, Bryant Yabui, Board Members; Francine Wai, Debbie Jackson, Kirby Shaw, Duane Buote, Bryan Mick, Colin Whited, Peggy Liang, Staff

ABSENT: Monty Anderson-Nitahara, Rosanna Daniel-Kanetake, Yolanda Phelan, Board Members

GUESTS: Kammi Koza

SIGN LANGUAGE
INTERPRETERS: Jason Allen and Mala Arkin

I. The meeting was called to order at 11:07 a.m. by Chairperson Bill Bow.

II. Minutes of the January 18, 2018 meeting were approved as circulated (M/S/P Kimmey/Okamoto).

III. Executive Director’s Report

Francine Wai had no new information regarding the office move and, from now on there will be no updates unless there is a significant budget impact.

With respect to the budget, she reported that the House passed its version of the budget and the House Finance Committee did not include our request for an additional position for the Facility Access Unit in the budget to focus on residential projects. She was surprised, given that the position would not be using general funds and the fact that we had sufficient revenue to pay for the position. We now must prepare an impact statement. The next step is to see if the Senate will include the position and, if successful, then go to conference committee.

Francine Wai reported that we have a second intern working in the office. Her name is Lisa Burnett and she is a student at UH-West Oahu in Public Administration with a focus on emergency preparedness. She will be assisting staff, specifically Debbie Jackson, with emergency management and preparedness issues impacting people with disabilities.
IV. Old Business

A. ADA Coordination Update

An ADA Coordination Update was mailed to all members. There were no questions regarding the Update. Staff mentioned that they will be conducting two days of training for the Department of Public Safety on ADA compliance issues.

B. State and County Motor Vehicle Weight Tax and Lift-Equipped Non-Commercial Vehicles

Bryan Mick reported that the bill to exempt the weight of accessibility modifications from the annual vehicle weight tax (HB 2232/SB 2714) passed the Senate and crossed over to the House. It has a double referral to the Transportation and Finance Committees. We have been in contact with the Transportation Committee Chair to urge a hearing.

C. General Excise Tax on Vehicles Modified for Use by a Person with a Disability – Update

Bryan Mick reported that the bill proposing an income tax credit for purchasing an accessible vehicle (HB 2231/SB 2713), neither the House or the Senate passed the bill out of their Committee, so that issue is dead. DCAB may consider if it wants to ask the Governor to include it his or her package next session.

D. Ride Hailing Vehicles at the Honolulu International Airport – Update

Francine Wai noted that at a previous Board meeting, DCAB had voted to send a letter to the Department of Transportation (DOT) concerning the pilot program authorizing Uber/Lyft access at the Daniel K. Inouye International Airport. DCAB’s concern is related to the lack of accessible vehicle options for people with disabilities. Francine Wai reported that she met with the new DOT Director who was receptive to the letter and indicated that the matter would be considered as DOT considers whether to make the program accessible. He noted that there are other concerns about the program from taxi companies, but that he would take the accessibility issue into consideration. Staff noted that although Uber or Lyft drivers are independent owners, the company would have an obligation to provide an equivalent option for a wheelchair user, such as subcontracting with an accessible taxi firm or shuttle company, for a ride at the equivalent price. Staff will update the Board when more information is available.
E. **Handi-Van Fare Changes – Update**

Bryan Mick noted that staff has been attending the meetings of the City and County of Honolulu Rate Commission and the Honolulu City Council on the topic of both bus and paratransit (Handi-Van) fares. The Rate Commission has yet to make any recommendations, and the budget presentation by the Department of Transportation Services (DTS) was postponed due to the Council leadership change. However, DTS’ last presentation on January 19, 2018 was a proposal to raise the rate for a single ride from its current level of $2.00 to: $3.00 on October 1, 2018, $4.00 on July 1, 2019, $5.25 on July 1, 2020, and $6.75 on July 1, 2021. Also proposed is a low-income voucher program which would be created and start at $1.00 per ride and be raised until it hits $1.75 per ride on July 1, 2021. However, this would be limited to twenty trips per quarter per person. Another proposal for consideration is to make bus rides free for Handi-Van users, thus incentivizing users to take TheBus rather than the more expensive paratransit Handi-Van.

Staff explained that there are many different moving parts in the discussion of rates, with proposed changes to the regular rates, senior rates, youth rates, monthly and yearly pass rates for TheBus in addition to proposed changes for Handi-Van, for which currently there is only a single ride rate.

After much discussion, the Board was reluctant to talk about a specific dollar amount that was acceptable for either the proposed bus or paratransit fares, given that the proposals are constantly in flux. DCAB had already gone on record as not opposing an increase in the single Handi-Van fare so long as it did not exceed the cost of the single bus ride. Staff noted that the law allows paratransit fares to be up to double the cost of a bus ride, but our paratransit rate is actually lower than TheBus fare ($2.00 versus $2.75). The Board had looked to other alternatives to improve the service aside from using fare increases as a disincentive to ride. However, the Board did agree that it was opposed to offering completely free bus fares to Handi-Van users and instead preferred a system of discounted fares as is currently in place (M/S/P Aughe/Kimmey). The Board also expressed concern that increases in rates for people with disabilities not be disproportional to rate increases for the regular population.

F. **H.R. 620 - ADA Education and Reform Act – Update**

Debbie Jackson reported that the ADA Education and Reform Act, which requires advanced notice before filing a complaint under Title III of the ADA, has passed the House of Representatives. Staff will continue to monitor the bill and report on its progress at future meetings.

V. **New Business**

A. **Department of Agriculture, Animal Quarantine Division, Proposed Hawaii Administrative Rules, Chapter 4-29, “Dogs, Cats, and Other Carnivores”**

Francine Wai referred members to the staff summary that was mailed to all members. The Department of Agriculture is proposing to amend their
administrative rules relating to animal quarantine. Staff analyzed the rules insofar as they impacted service animals. The recommendations in the staff summary included supporting the changes in terminology from ‘service dog’ to ‘service animal’ and eliminating the sections relating to housing at the Animal Quarantine Station. The recommendations included deleting reference to ‘exempted guide dog’ since those dogs are included as ‘service dogs’ and including a statement that a service animal should not be separated from its handler during inspection.

B. Emergency Preparedness and Communication Access

At the last Board meeting in January, during the Open Forum, Francine Wai noted some of the difficulties in communication access during the January 13, 2018 False Missile Alert. We have followed up with communication to the Office of the Governor through the Director of Health. In addition, she announced that we have preliminary confirmation from Federal Emergency Management Agency (FEMA) that they are willing to send trainers to Hawaii to assist with training of American Sign Language interpreters for emergency preparedness situations. When that is confirmed we will turn the information to the Standing Committee on Communication Access.

C. Nominating Committee

Bill Bow noted that we will need a Nominating Committee to recommend a slate of officers for fiscal year 2018-2019. The election will be at the May meeting. He nominated Michael Okamoto, Ed Chevy, and Bryant Yabui to serve as Committee members. Their recommendations must be sent to the Board at least ten days before the vote at the next meeting.

VI. Committee Reports

A. Executive Committee (No report)

B. Legislative Committee

Bill Bow reported for Chairperson Rosanna Daniel-Kanetake. The Legislative Committee has met six times since the last Board meeting, almost weekly. Members have received six sets of minutes for January 24, 2018 January 31, 2018, February 7, 2018, February 14, 2018, February 21, 2018, and March 7, 2018. The Board voted to ratify all the minutes (M/S/P Meighen/Okamoto).

The Legislative Committee will have one more meeting to take positions because all the bills and resolutions have now been introduced. At the May meeting we will have a legislative wrap-up.

In addition to the bills, staff distributed a copy of the 2018 Legislative Digest that was prepared for legislators on issues affecting elderly persons and persons with disabilities. An electronic version in accessible format is already posted on the website. The Board made note of Section 5 which was written by Francine Wai of the DCAB staff.
C. Standing Committee on Communication Access

Nikki Kepo‘o reported for the Committee, which met twice since the last full Board meeting.

Regarding the Hawaii Quality Assurance System (HQAS), last weekend (March 9-11, 2018), DCAB co-sponsored continuing education unit workshops on the following topics: Human Anatomy; Interpreting in the Hospice Setting; and Ethical Decision Making in Medical Settings.

The Committee is finalizing work on the administrative rules. The Committee has had active input from the community, especially interpreters. A final, clean copy of the proposed rules has been made available to the public. The Committee will meet at least one more time for final review and discussion. Then, the Committee will ask for a full Board vote to proceed with formal rulemaking. This will be done at the Board meeting in May.

Update on Legislation Relating to Communication Access: A bill centered on making televised emergency alerts accessible for the deaf and hard of hearing passed through two committees but was not heard by the House Committee on Finance prior to the crossover deadline. This bill is dead for the current session. However, a resolution was recently introduced urging the Federal Communications Commission, FEMA, and the National Weather Service to make necessary updates to ensure that textual and audible information from Emergency Alert Systems are matched and synchronized during television broadcasts. DCAB is also monitoring a bill that aims to improve insurance coverage for hearing aids and a resolution urging the state to review and update telecommunications devices and access for the deaf. For example, most state agencies continue to use TTYs, which are essentially obsolete given the rise in video technology. Legislation to require open captioning at movie theaters continues to move through the Legislature. There have been several amendments, and the current version requires two open captioned showings per week, with one showing during the weekday after 4:30 p.m. and one showing during the weekend, defined as Saturday and Sunday. The next step is to have the bill heard by the House Committee on Finance.

D. Standing Committee on Facility Access

Chairperson Michael Okamoto reported for the Committee met prior to the Board meeting. He reported that the Facility Access Unit reviewed 185 projects from January 1, 2018 to March 14, 2018, of which 108 were new submittals. The Unit is on track with fees collected.

The Committee has finalized details for the 2018 Disability Access Conference to be held on May 10, 2018. Along with Marsha Mazz of the U.S. Access Board and Doug Anderson from LCM Architects, the conference will include keynote speaker Sara Pratt, Counsel, from the civil rights law firm Relman, Dan & Colfax, PLLC. Conference registration is open and information is on the DCAB website. Any Board members who wishes to attend should inform staff know as soon as possible to register them.
The Committee has begun discussions on the topic of routes within facilities covered by the Hawaii Outdoor Developed Areas Accessibility Guidelines which also include elements covered by the 2010 ADA Standards for Accessible Design. Based on the discussion the issue will be added to the next Committee agenda as an Interpretive Opinion. The main issue is how to compare requirements that are in place for indoor routes that are not necessarily applicable or are different in the outdoor environment.

E. **Standing Committee on Parking**

Chairperson Pauline Aughe reported that for the first two months of the third quarter in fiscal year 2018, there were 4,488 total placards issued (3,409 long term, 1,079 temporary). Of the long term placards, 1,429 were renewals issued by DCAB. The renewal rate was 50 percent, a slight dip from the second quarter which was at 53 percent.

With respect to parking legislation, SB 974 SD2 (parking meter bill) – Currently a triple referral to HHS/TRN/FIN, the Health and Human Services Committee is hearing the bill today. Senate Bill 975 SD1 HD1 (confiscation bill) – Currently a double referral to HHS/JUD, no hearings scheduled. The Judiciary Committee are said to still be considering if they are going to schedule it. She noted that there was already a report on the agenda on the other vehicle bills. Francine Wai reported that there was strong opposition to the meter bill by individuals who did not support having to pay for metered parking.

With respect to our outreach efforts on the parking locator app, DCAB is working with a vendor of the parking locator app to get the Apple version upgraded and transferred over to the new DCAB Apple account. A letter was sent to major medical centers regarding the importance of physicians and advanced practice registered nurses only certifying applicants who are qualified. They were asked to circulate the letter to their staffs. DCAB is finalizing letters and associated documents for the parking liaisons and are about to be sent out to organizations and prospective applicants.

Finally, in terms of quality assurance efforts, an Excel file of all active permittees has been transmitted to the Department of Health Vital Records so that may perform a death records cross match. Once they return a list of all records that match, we will generate letters to the estates to try and retrieve any placards and have them turn in to the counties any special license plates.

F. **Special Parent Information Network**

Phyllis Meighen reported for the Advisory Committee. She reported on staff activities with the 4th Annual Hawaii School Empowerment Conference, the Superintendent’s Task Force, and the Special Education Advisory Council activities. She highlighted the upcoming SPIN Annual Conference on April 21, 2018 with the participation of both the Superintendent and Deputy Superintendent of Education in attendance. The Superintendent will deliver the morning welcome. A written report is attached to the minutes.
VII. Open Forum

There were no comments from the public.

IX. Next Meeting

The next meeting is scheduled for May 17, 2018 beginning at 11:00 a.m. in DCAB's conference room.

X. The meeting adjourned at 12:50 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

Francine Wai

Francine Wai
Disability and Communication Access Board General Meeting  
Revised ADA Coordination Update  
March 15, 2018  

Since the last Board meeting on January 18, 2018, ADA Coordination activities included:

1. Technical assistance (TA) relating to programs and services provided by all DCAB staff (January and February 2018). Examples of significant TA to the following State ADA Coordinators or Departments were:

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| Attorney General                  | If equipment or assistive devices are purchased for an inmate with a disability, what happens to the equipment when the individual is released?  
Handle on a case-by-case basis.  
If it is personalized equipment such as a hearing aid, person could use in when released, but other equipment may be useful for others who may be incarcerated. |
| Judiciary                         | Working on public notices and wanted to know what the appropriate wording is to include in notices and how much lead time is required to provide an auxiliary aid or service  
Reviewed the Programs and Services Manual with caller to assist her in finding the correct information. |
| University of Hawaii at Manoa     | Can a person who uses a white cane ride TheBus with a personal care attendant (PCA)?  
Contacted TheBus and obtained information and relayed it to caller. The person can ride for $1 and the PCA does not have to pay a fare to accompany the person with a disability. |
| Land and Natural Resources        | A visitor to Diamond Head Park claimed his parakeet was a service animal. Can the park put up a sign with explanation of what type animal is a service animal?  
A sign may be posted but should include that the person needs to have a disability to have a service animal. And a parakeet does not meet the definition of service |
animal under the ADA to be allowed into the park.

2. DCAB sponsored and conducted the following conference, trainings, and presentations:

   Three (3) trainings conducted for a public agency and the community:
   - One (1) training for the Public Access Room staff at the State Capitol on ADA Title II Overview and Serving Customers with Disabilities Services (1/8/18);
   - One (1) radio program about service animals; and
   - One (1) workshop on Vocabulary of Legislature and Budget Process for American Sign Language (ASL) interpreters (1/13/18).

3. Hosted eight (8) ADA community/ADA Coordinators and DCAB staff webinars sponsored by the Disability and Business Technical Assistance Centers (DBTAC) and the U.S. Access Board:

   - Three (3) webinars sponsored by the U.S. Access Board on Update on Renovations (1/4/18), Outdoor Developed Areas: A Refresher (2/1/18); and Questions and Answers (3/1/18).

4. Attended one (1) County ADA Coordinators meeting on March 9, 2018.

5. Continued to provide TA to State and County ADA Coordinators on various issues, as needed. Examples of key assistance to various Departments and the Counties were about service animals, the provision of reasonable accommodations to employees with disabilities, access to programs and services of State government, provision of communication access services for employees and customers with disabilities, airport family restrooms, and furniture requirements for employees.

6. Provided TA to one hundred sixty callers (160) on ADA issues in January and February 2018.

Any questions regarding ADA Coordination activities should be directed to Debbie Jackson at 586-8121 or debbra.jackson@doh.hawaii.gov.
Disability and Communication Access Board General Meeting
ADA Coordination Update
March 15, 2018

Since the last Board meeting on January 18, 2018, ADA Coordination activities included:

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<td>Working on public notices and wanted to know what the appropriate wording is to include on notices and how much lead time is required to provide an auxiliary aid or service. <em>Reviewed the Programs and Services Manual with caller to assist her in finding the correct information.</em></td>
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- One (1) training for the Public Access Room staff at the State Capitol on **ADA Title II Overview and Serving Customers with Disabilities Services** (1/8/18);
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3. Hosted eight (8) ADA community/ADA Coordinators and DCAB staff webinars sponsored by the Disability and Business Technical Assistance Centers (DBTAC) and the U.S. Access Board:

- Three (3) webinars sponsored by the U.S. Access Board on **Update on Renovations (1/4/18), Outdoor Developed Areas: A Refresher (2/1/13)**; and Questions and Answers (3/1/18).
- Five (5) DBTAC webinars on **Custom Solutions for Employment (1/31/18), Review of Emergency Management Litigation (2/8/18), Top ADA Cases of 2017 (2/14/18), Accessible Technology for Employers (2/22/18), and Tools, Tips and Tricks on Mobile and Web Platforms for Users with Disabilities (3/8/18).**

4. Attended one (1) County ADA Coordinators meeting on March 9, 2018.

5. Continued to provide TA to State and County ADA Coordinators on various issues, as needed. Examples of key assistance to various Departments and the Counties were about service animals, the provision of reasonable accommodations to employees with disabilities, access to programs and services of State government, provision of communication access services for employees and customers with disabilities, airport family restrooms, and furniture requirements for employees.

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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD
March 15, 2018

TOPIC: Department of Agriculture Proposed Hawaii Administrative Rules, Chapter 4-29, Entitled “Dogs, Cats, and Other Carnivores”

BACKGROUND:

The Department of Agriculture is amending Hawaii Administrative Rules, Chapter 4-29, entitled “Dogs, Cats, and Other Carnivores.” The rules were last amended in December 2016 pursuant to public hearings in 2015. During those hearings, the Disability and Communication Access Board (DCAB) provided comments on August 11, 2015 pursuant to a Board vote. Most of the changes at that time did not impact the quarantine procedures for persons with service animals and while DCAB recommended some changes, most were not incorporated into the final rule because they would have required additional public hearings.

The current proposed rules again, make many changes to the entire quarantine process, of which a few are related to people with disabilities and attempt to incorporate some of DCAB’s prior comments.

Hearings are scheduled statewide, with the Oahu hearing on April 3, 2018.

ANALYSIS:

Review and analysis of the proposed rules include only the sections impacting service animals as follows:

- The proposed rules intend to replace the term “service dog” to “service animal” to reflect current Americans with Disabilities Act (ADA) terminology. This change can be supported.
- However, the proposed rules retain a separate definition of “exempted guide dog.” The use of terminology “service animal” and “exempted guide dog” is confusing because a guide dog is a specific type of service animal. The terms are redundant when they are used throughout the rules. The use of only “service animal” is sufficient and less confusing.
- Section 4-26-15 relating to housing at the quarantine station for service animal handlers is being deleted because the animal quarantine station no longer offers housing, as it did at one time in the past. This change can be supported.
- Section 4-29-22 (e) sets out requirements for inspection of service dogs upon arrival on page 29-50. This section should include a statement that the inspection will be done without separating the user and the service dog. Separation of the team was done in the past due to the behavior of the dog. There should also be a provision as to how inappropriate dog behavior will be addressed during the inspection and that if the team is separated, actions will not be taken by animal quarantine to separate other teams because of the behavior experienced from one animal. Each situation
needs to be handled on a case-by-case basis with the underlying understanding that the user and service dog remain together.

On a related note, the Air Carrier Access Act allows for animals other than "dogs" to travel on air carriers with verification of a person's disability and need for the animal from a healthcare provider. The animal could be an "emotional support" or "comfort animal" that does not meet the ADA definition of "service animal." The species can also include animals other than dogs. There is no provision in the rules that address how these animals will be handled. Presumably those animals would be required to go through regular quarantine. It may be appropriate to note that other animals, which may qualify for air travel for a person with a disability, do not meet the definition of service animal for the purposes of animal quarantine procedures.

STAFF RECOMMENDATION:

Staff recommends providing testimony to support the intent of the proposed rules with comments made in the analysis section of the staff summary.
SPIN Report for March 2018

4th Annual Hawaii School Empowerment Conference
Susan attended this informative conference sponsored by the Education Institute of and titled “Empowering Schools in a Changing Climate.” It featured a number of nationally respected educational leaders including Bill Daggett and Ted Dintersmith who highlighted Hawaii’s strengths and challenges in adapting to changing career paths and technology. Amanda represented SPIN at the Family Empowerment Conference held the day before and co-hosted by Parents for Public Schools.

Superintendent’s Task Force
Amanda has been selected by the Superintendent’s Office to join her Special Education Task Force, and is one of two parents of students with disabilities. The recommendations of the Task Force will be presented to the Board of Education and the public in May, setting up priorities for a systemic overhaul of the delivery of special education services.

Leading by Convening Expert Visits SEAC
As the Department of Education gets more comfortable with utilizing this shared leadership process to solve complex and chronic problems related to students with disabilities, the March 9th Special Education Advisory Council meeting featured discussion and exercises lead by Joanne Cashman. Ms. Cashman is affiliated with the National Association of State Directors of Special Education and directed the IDEA Partnership which developed the process now championed by the Office of Special Education Programs.

SPIN Conference Update
An additional $6250 in outside funding will enable SPIN to sponsor roughly 70 airfare scholarships for Neighbor Island families wishing to attend the April 21st Conference. The Department of Education’s Superintendent and Deputy Superintendent have both pre-registered for the conference, and Superintendent Kishimoto will be delivering a morning welcome.