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

REVISED AGENDA

Disability and Communication Access Board
General Meeting

Location: AAFES Building
919 Ala Moana Blvd., Fifth Floor Conference Room
Date: September 14, 2017
Time: 11:00 a.m. to 1:00 p.m.

I. Call to Order
II. Roll Call

III. Approval of Meeting Minutes of May 11, 2017 and July 20, 2017

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

V. Old Business
   A. City and County of Honolulu, Bill 28 (2017) – A Bill for an Ordinance Relating to Public Transit (regarding Transit/HandiVan Fares) – Revote and Update
   B. City and County of Honolulu, Bill 67 (2017) – A Bill for an Ordinance Relating to Curb Ramps – Update
   C. City and County of Honolulu, Bill 68 (2017) – A Bill for an Ordinance Relating to Special Transit Service (HandiVan, paratransit) – Update
   D. Appointment of Committees - Update
   E. ADA Coordination Update

VI. New Business
   A. State and County Motor Vehicle Weight Tax and Lift-Equipped Non-Commercial Vehicles (refer to staff summary)
B. Vocational Rehabilitation Services, Proposed Changes in Vocational Rehabilitation Policy Due to the Passage of the Workforce Innovation and Opportunity Act (WIOA) (refer to staff summary)

C. Office of Information Practices, Hawaii Administrative Rules, Title 3, Chapter 200, Subtitle 15, “Agency Procedures and Fees for Processing Record Requests, and Additional Procedures for Disclosure, Correction and Amendment, and Collection of Personal Records” (refer to staff summary)

VII. Committee Reports

A. Executive Committee (No report)

B. Legislative Committee (No report)

C. Standing Committee on Communication Access
   - Hawaii Quality Assurance System – Update
   - Hawaii Administrative Rules, Title 11, Chapter 218, “Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind”
   - SCR 32 Working Group on American Sign Language (ASL) Interpreter Regulations
   - ASL Interpreter Continuing Education Unit Workshops, September 15-16, 2017
   - 2018 Legislation on Open Captioning of Movies
   - Other Communication Activities from the Plan of Action

D. Standing Committee on Facility Access
   - Document Reviews – Update
   - Interpretive Opinion 2017-01, Assigned Accessible Parking
   - Interpretive Opinion 2012-01, Electric Vehicle (EV) Charging Station, Amendment
   - Annual Report for FY 2016-2017
   - Other Facility Access Activities from the Plan of Action

E. Standing Committee on Parking
   - Statistics and Annual Report FY 2016-2017
   - Parking Program Changes (Application Form, User Guide) – Update
   - Legislative Informational Briefing on Parking Program Eligibility and 2018 Legislation
   - Outreach Efforts (Physicians, Drivers Education Program, Hawaii Drivers Manual)
   - Other Parking Activities from the Plan of Action

F. Special Parent Information Network
   - Update of Activities for Informational Purposes Only
VIII. Open Forum

IX. Next Meeting: November 9, 2017

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 September 8, 2017.
I. The meeting was called to order at 11:10 a.m. by Chairperson Bill Bow.

II. Chairperson Bill Bow noted that the July agenda did not include an agenda item to approve the May General meeting minutes. Hence, he is seeking approval today. Minutes of the May 11, 2017 meeting were approved as circulated (M/S/P Okamoto/Phelan; Abstain:Kimmey). Minutes of the July 20, 2017 meeting were approved as circulated (M/S/P Anderson-Nitahara/Aughe; Abstain: Okamoto).

III. Executive Director's Report

Francine Wai reported that the office move is now complete. There are only a few minor adjustments to the office design and layout that are pending. New computers are still in transition to be installed over the next few months as everyone shifts to a PC. She stated that there will be an open house for the building, although the date is still unknown.

With respect to personnel, Francine Wai was pleased to announce that we hired a new Facility Access Specialist, Alan Tarumoto, who began September 3, 2017. He is an architect, most recently with the University of Hawaii at Manoa. We are pleased that the office is now fully staffed, although our Facility Access Office Assistant Danielle Kealoha is on maternity leave. The position is being filled half
time with Mylynne Simon on a floating clerical position from the Department of Health (DOH). She is also working half time for the parking program.

Francine Wai announced that the budget execution policies have been released by the Department of Budget and Finance. All Departments have been imposed a 10% restriction (5% mandatory and 5% contingent upon tax revenues). The Executive Committee will be meeting today after the full Board meeting to discuss the proposed expenditure plans.

IV. **Old Business**

A. **City and County of Honolulu, Bill 28 (2017) – A Bill for an Ordinance Relating to Public Transit (regarding Transit/HandiVan Fares) – Re-vote and Update**

Chairperson Bill Bow noted that the Board took a positive vote at the July meeting to support this bill. However, the motion was made by Marie Kimmey, who was not yet a member, thus invalidating the vote. Therefore, the Board took a revote to support this bill, as proposed (M/S/P Kimmey/Anderson-Nitahara).

By way of an update on the issue, Kirby Shaw reported that Bill 28 (2017) proposed fare increases for TheBus and TheHandi-Van paratransit service. DCAB submitted testimony opposing the proposed fare increases for TheHandi-Van fare. Since the July 20, 2017 General meeting, Bill 28 was amended to remove the proposed increases in TheHandi-Van fare. Therefore, the fare will remain at $2.00 per trip. Bill 28 became Ordinance 17-27.

B. **City and County of Honolulu, Bill 67 (2017) – A Bill for an Ordinance Relating to Curb Ramps – Update**

Bryan Mick reported that Bill 67 passed the Honolulu City Council unanimously on September 6, 2017 and is expected to be signed by the Mayor into law. This bill adds curb ramps serving crosswalks to the list of areas where a person is prohibited from parking their car. This is important because if a car blocks the curb ramp, the ramp’s purpose is thwarted. DCAB submitted revised testimony after it was revealed during one of the hearings that in rare cases, the Department of Transportation Services removes a mid-block crosswalk which means it is no longer a legal crossing point, but the curb ramps stay in place until a later date when it is removed by the Department of Facility Maintenance. This is especially dangerous for people who are blind or have low vision and cannot read any posted signs, because the presence of the curb ramp will lead them into thinking they can cross the street when it is dangerous and illegal to do so. The revised testimony encouraged the City to coordinate with itself to remove curb ramps as close to simultaneously as possible with any crosswalk removals.

C. **City and County of Honolulu, Bill 68 (2017) – A Bill for an Ordinance Relating to Special Transit Service (HandiVan, Paratransit) – Update**

Bryan Mick reported that Bill 68 passed the Honolulu City Council unanimously on September 6, 2017 and is expected to be signed by the
Mayor into law. This was an expansive bill regarding paratransit services in Honolulu. The four major points are: 1) Allows a higher fare for trips which exceed ADA complementary paratransit service. (Examples of this are trips that go outside the core service area which is defined at a three quarters corridor on each side of the fixed route and trips which occur outside of the regular day and times that fixed service transit is offered.); 2) DTS may negotiate with a qualified human service organization and charge a fare higher than the single fare for agency sponsored fares and agency trips, provided that the fare charged cannot exceed applicable rules set by the Centers for Medicare and Medicaid for paratransit services; 3) Allows for the establishment of a taxi subsidiary program to augment paratransit services; and 4) Allows for the paratransit contract to be awarded to a different entity than the entity who awarded the fixed route service. This would not prevent Oahu Transit Services from continuing to operate both, but would put them on notice that they cannot assume they will continue to be awarded the paratransit contract.

D. Appointment of Committees – Update

A list of Committee assignments, as agreed to by each Board member, was distributed. Each member is serving on one Committee, except for those on the Executive Committee.

E. ADA Coordination Update

Francine Wai noted that there is no formal ADA Coordination report due to Debbie Jackson’s extended leave from the office. However, she reported that two of the Counties, Maui and the Big Island, are without ADA Coordinators due to resignations of the incumbents. The Board voted to send a letter to the respective Mayors of the two Counties to encourage the appointment of a new ADA Coordinator (M/S/P Kepoo/Phelan).

V. New Business

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

Members were referred to the staff summary sent with the agenda. Bryan Mick stated that a resident who had her van retrofitted with a lift for her disabled child contacted DCAB as she felt the increase in her motor vehicle weight tax due to the lift is unfair. Both the State and the Counties impose a weight tax. The City and County of Honolulu’s is already schedule to go from five cents per pound to seven cents per pound by 2019. This proposal would exempt the weight of the lifts from the tax calculation. The resident pointed out that every trip a person takes with their own vehicle instead of using a paratransit service saves the county many dollars and lessens the demand on the paratransit service. Staff also pointed out that an argument could be made that the entire weight should be exempted since the only reason a heavier vehicle might be purchased is to have a lift or ramp installed. Or perhaps a flat fee could be assessed in lieu of calculating it on the weight.
Pauline Aughe noted that some vehicles are sold with the lift pre-installed, while others are retrofitted after purchase. She asked if every retrofitted vehicle is weighed. Bryan Mick commented that he had contacted the Honolulu Division of Motor Vehicles who indicated that while they do not weigh every retrofitted vehicle, they retain the right to do so. The Board felt that the tax should be based upon the weight of the vehicle without any adaptation, not an exemption of the entire fee, and supported efforts to change the fee structure accordingly (M/S/P Aughe/Kepoo).

B. Vocational Rehabilitation Services, Proposed Changes in Vocational Rehabilitation Policy Due to the Passage of the Workforce Innovation and Opportunity Act (WIOA)

Members were referred to the staff summary mailed with the agenda. Kirby Shaw reported that the Workforce Innovation and Opportunity Act (WIOA) of 2014 amended the Rehabilitation Act of 1973 by ensuring a greater focus on creating employment opportunities for students and youth with disabilities, including shifting 15% percent of vocational rehabilitation funding toward this effort. After three years of operating under the WIOA, the Division of Vocational Rehabilitation will hold a public hearing on September 15, 2017 to allow interested persons to comment on the changes to learn about and present their views on how services, training and supports are delivered and how they can be improved. This staff summary was advisory only, therefore, no Board action was recommended.


Francine Wai referred members to the staff summary mailed with the agenda. The Office of Information Practices is circulating a draft prior to public hearing so that agencies can express their concerns in the development phase. She reiterated that the majority of the rules are procedural with no disability impact. However, there are two aspects of the rules that do have a disability impact, as outlined in the summary. They are 1) the use of the word “accessible” in a confusing matter, rather than “easily retrievable”, and 2) clarification of the provision of and cost for “accessible” documents in alternate format. The Board voted to support staff recommendation with the amendment that alternate format document costs should not be assessed a premium or surcharge for the alternate format or the creation of the document in alternate format,(M/S/P Okamoto/Aughe).

VI. Committee Reports

A. Executive Committee

There is no Committee report. Chairperson Bill Bow reported that the Executive Committee will be meeting immediately after the General meeting.

B. Legislative Committee
There was no Committee report.

C. **Standing Committee on Communication Access**

Acting Committee Chairperson Nikki Kepoo, reported that the Committee met three times since the last meeting. With respect to the Hawaii Quality Assurance System (HQAS), there are currently thirty one interpreters enrolled in the HQAS Continuing Education Program (CEP). Four interpreters possess a current HQAS credential, but are not enrolled in the CEP program. We are still awaiting results on one test.

The Committee is continuing to work on the administrative rules. The Committee has active input from the community, especially interpreters. The Committee still has work to do on the required provision of services, definitions, description of credential levels, and recommended fee schedule. The Committee will continue to wait until all the changes are made before asking for a full Board vote.

The first meeting of the Working Group for Senate Concurrent Resolution (SCR) 32 was convened to examine the need for regulation of sign language interpreters and sign language interpreter referral agencies. The group will focus on identifying concerns or problems that the community has encountered relating to the provision of interpreter services. Toward the end of December, an informational meeting will be held at the Legislature to discuss the progress of the Working Group.

She also announced that this weekend (September 15-16, 2017), DCAB is sponsoring Continuing Education Unit workshops hosted by the Hawaii Registry of Interpreters for the Deaf at Kapiolani Community College. See Colin Whited if you wish to learn more about these workshops.

DCAB finalized the proposed bill and justification sheet for open captioning at movie theaters. Three major changes are: 1) eliminating the sunset date for the bill; 2) increasing the number of open captioned showings to two per week; and 3) removing language allowing “lightweight eyewear” as a substitute to open captioned showings. The bill is currently being reviewed/edited by other Departments before submission to the Governor.

DCAB’s practicum student, Peggy Liang, is continuing to develop vlogs and fact sheets relating to communication access.

D. **Standing Committee on Facility Access**

Committee Chairperson Michael Okamoto reported that in the first quarter through September 13, 2017, the Facility Access Unit reviewed 239 projects. Revenues were on track. The Unit queried fifteen projects, resulting in nine responses for a 60% return rate.

The Committee rendered decisions on two Interpretive Opinions. Interpretive Opinion 2017-01 was passed to clarify signage requirements for accessible
parking stalls assigned to a residential unit. Interpretive Opinion 2012-01 was amended to include options for marking access aisles at accessible electric vehicle charging stations.

He distributed the Annual Report for HRS 103-50, noting that it was posted on the DCAB web site. He highlighted some statistics for last year: 1,230 reviews were conducted; 116 projects were monitored with 66 responses; 2 master plans were reviewed; 4 Interpretive Opinions were issued and 4 Interpretive Opinions were amended; 328 technical assistance requests were provided; 16 "Access E-Bulletins' were issued; 1 conference and 3 workshops were conducted; Hawaii Administrative Rules, Title 11, Chapter 216 were amended; and the Hawaii Outdoor Developed Areas Accessibility Guidelines was issued.

E. Standing Committee on Parking

Committee Chairperson Pauline Aughe reported that as of July 1, 2017, DCAB discontinued notification of permittees whose permits were about to expire. The renewal rate has gone from about 58% to 53%. The "Users Guide" which has useful information for the permittees and is provided with every issued parking permit and, has been updated and sent to print. On July 1, 2017, DCAB released two new parking application forms. One is for first time, temporary, and replacements permits which are all transactions processed by the counties. The other form is only for long term renewals, and those are processed by DCAB via mail. The DCAB web site was also revamped to help make sure people downloaded the correct form and the forms were combined with their instructions sheet so that the instructions do not require a separate download.

DCAB has been in contact with Senator Josh Green's office which indicated he will convene an informational briefing this year to discuss disability related issues. DCAB expects to present on the parking program as part of that briefing, with an emphasis on why DCAB opposes adding blindness and low vision as a qualifying condition to obtain parking permits.

Staff has been busy in the area of public education and outreach. DCAB delivered to the Department of Education (DOE) Drivers Education program 5,000 color flyers about accessible parking stalls and penalties for misusing them or the parking permits. These will be distributed to student participants. A letter from Francine Wai to Hawaii licensed physicians regarding the importance of them properly certifying applicants and the release of the new parking application forms was emailed to over 8,500 physicians. We received valuable feedback and questions from several physicians. While the parking app now works on iOS, the Android version needs to be updated.

F. Special Parent Information Network

Francine Wai noted that a written SPIN Report will be sent out with the minutes. On behalf of Susan Rocco, she announced the Transition Fair on October 21, 2017 in coordination with the DOE to present options for students who are leaving the DOE and seeking adult services. She also announced
the date of the SPIN Conference as April 21, 2018 with a theme “SPIN it to Win It.”

VII. Open Forum

Pauline Aughe raised the issue of sales tax on adapted vehicles. In the same philosophical premise that supported the Board’s position on the motor vehicle weight tax, she asked that staff research the impact of adjusting the sales or general excise tax based upon the additional cost of a vehicle to be adapted. This could be raised at a future meeting.

VIII. The next meeting is scheduled for November 9, 2017. The November meeting will be the last meeting at the AAFES Building.

IX. The meeting was adjourned at 12:30 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

[Signature]

FRANCINE WAI
Disability and Communication Access Board General Meeting
ADA Coordination Update
September 14, 2017

Since the last Board meeting on July 20, 2017, ADA Coordination activities included:

1. Technical assistance relating to programs and services provided by all staff (July and August 2017) to the following State or County ADA Coordinators or Departments:

<table>
<thead>
<tr>
<th>Situation/Department/Agency</th>
<th>Issue</th>
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<tbody>
<tr>
<td>University of Hawaii</td>
<td>Are all State agencies required to follow Section 508 and the Web Content Accessibility Guidelines (WCAG) for website accessibility? <em>The State incorporated Section 508 compliance in a Comptroller's Memorandum in 2010, but it needs to be updated. Suggested using the WCAG 2.0 at the AA Level for developing and publishing web sites at the University.</em></td>
</tr>
<tr>
<td>Libraries</td>
<td>Deaf person wants to use a videophone to transact a call to provide personal information. How can the library assist the patron? <em>Refer the person to the Comprehensive Service Center for the Deaf, Hard of Hearing and Deaf-Blind to use the videophone there. It is located in a private place, and he can make the call himself to ensure confidentiality.</em></td>
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<tr>
<td>Transportation</td>
<td>Updating signage at airports related to service animals. Can the airports require comfort animals/emotional support animals to be confined to a carrier? <em>A comfort animal/emotional support animal does not meet the definition of service animal. Therefore, as a Title II entity the airport could ask that the animal be placed in a carrier. The requirements for air carriers are different from Title II requirements. Air carriers may ask for verification of the person's disability and need for the animal. Their definition goes beyond &quot;service animals.&quot; The airport needs to also consider what to do if the person does not bring their own carrier.</em></td>
</tr>
<tr>
<td>Stadium Authority</td>
<td>Currently extending seating onto the grassy area. Is that allowed under ADA? Is there a seating percentage under ADA for the number of wheelchair accessible seating needed? Is artificial turf considered an accessible surface? Do they need to provide an American Sign Language (ASL) interpreter? <em>Provided citation from ADA for accessible seating. Can place wheelchair seating at end of row as long as companion seating is also provided. Surface needs to be firm, level and slip resistant.</em></td>
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</tbody>
</table>
Referred caller to vendor for possible surface to use. If an ASL interpreter is requested, one should be provided.

County of Hawaii

Deaf person wanted to know which shelter is identified as a “deaf-friendly shelter.” He has a hearing person with him, and may need to use him to interpret during an emergency. Is that permitted?

Each person is responsible to have their own supplies ready and go to the nearest shelter. If they need an accommodation they need to request one when they check in. If an interpreter can be arranged, that may happen depending on the situation and when things calm down. An interpreter may not be available right away. During an emergency, the Federal Emergency Management Agency (FEMA) permits the individual to use a relative or family member to interpret for the person during an emergency.

2. Hosted five ADA webinars:
   - Three webinars sponsored by the Pacific ADA Center and the Federal Emergency Management Agency (FEMA) on:
     - “Clear and Effective Emergency Communications over Wireless Devices”
     - “2017: ADA Anniversary Update”
     - “The Work of the RESNA Accommodations SIG (Special Interest Group)”
   - One webinar sponsored by Adobe Acrobat DC on:
     - “Acrobat DC for Accessibility”
   - One webinar sponsored by the U.S. Access Board on:
     - “Surface Roughness and Rollability Research”

3. Maintained current information on the ADA Coordinators secured web site and DCAB’s web site by ensuring a current list of ADA Coordinators was available.

4. Conducted three trainings for the Department of Land and Natural Resources on “Service Animals,” County of Hawaii on “ADAAG Standards,” and Associa Hawaii (condominium boards and owners) on “Assistance Animal Statutes and Cases.”

5. Provided technical assistance to the Hawaii Public Housing Authority, Libraries, Departments of Agriculture, Business, Economic Development and Tourism, Commerce and Consumer Affairs, Education, Health, Land and Natural Resources, Public Safety, University of Hawaii at Manoa, University of Hawaii–Hilo, and the Counties of Hawaii and Maui, and the City and County of Honolulu on various issues related to access to programs and services.

6. Provided technical assistance to the Hawaii Health Systems Corporation, Departments of Accounting and General Services, Education, Human Resources Development, Land and Natural Resources, Transportation, and the various campuses of the University of Hawaii on reasonable accommodations for applicants/employees with disabilities.

7. Provided technical assistance to one hundred forty-nine callers in July and August 2017 on issues related to the ADA.

Any questions regarding ADA Coordination activities should be directed to Debbie Jackson at 586-8121 or debbra.jackson@doh.hawaii.gov.
STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD
GENERAL MEETING
September 14, 2017

TOPIC: State and County Motor Vehicle Weight Tax and Lift Equipped Non-Commercial Vehicles

SUMMARY:

Currently Hawaii Revised Statutes Chapter 249 imposes a state vehicle weight tax and authorizes the counties to collect their own vehicle weight tax. It also defines "net weight" which is to be used by both the State and the counties in calculating the amount to be paid. Residents who have their vehicles modified for accessibility purposes (e.g., lower the vehicle floor, install a wheelchair ramp/lift) increase their vehicle’s net weight and possibly their tax rate if the additional weight causes the vehicle to enter a different tier.

DCAB was contacted by an Oahu resident who purchased a van with accessibility modifications for her disabled child who uses a wheelchair. Aware that the Honolulu City Council was considering an increase in the vehicle weight tax rates, she recognized that the extra weight of the modifications, between 800 and 1,000 lbs., would likely increase her vehicle tax. She requested an agency review for the possibility of an exemption for the weight caused by the mobility equipment.

ANALYSIS:

Hawaii Revised Statutes §249-33 sets the State motor vehicle tax rate as follows:
- 0 to 4,000 lbs. – 1.75 cents per pound
- 4,001-7,000 lbs. – 2.00 cents per pound
- 7,001-10,000 lbs. – 2.25 cents per pound
- 10,0001 and higher - $300.00

The Revised Ordinance of Honolulu Chapter 41 Article 17.1:
- 5 cents per pound for non-commercial vehicles and trucks less than 6,500 lbs.
- 5.5 cents per pound for trucks over 6,500 lbs.

Hawaii County Code Chapter 24 Article 4:
- 1.25 cents per pound for non-commercial vehicles and trucks less than 6,500 lbs.
- 2.5 cents per pound for trucks over 6,500 lbs.

Maui County Code Chapter 3.24:
- Requires the rate to be set every year in the Budget ordinance, currently:
  - 3.5 cents per pound for non-commercial vehicles and trucks less than 6,500 lbs.
  - 5.36 cents per pound for trucks over 6,500 lbs.

Kauai County Code Title 3 Chapter 5:
- 2.0 cents per pound for non-commercial vehicles and trucks less than 6,500 lbs.
- 3.0 cents per pound for trucks over 6,500 lbs.
The rationale behind a motor vehicle weight tax is that the heavier vehicle, the greater impact on the roads, and therefore owners of heavier vehicles should pay more. However, for every trip a disabled person makes using his or her own vehicle instead of a county subsidized paratransit service, the person saves taxpayers a substantial amount. In addition, in the interest of self-empowerment, disincentives to obtaining lift equipped vehicles should be removed. With the proposed weight exemption, owners of vehicles with accessibility modifications would still pay motor vehicle weight fees based on their vehicle's weight minus the modification. Therefore, the actual revenue impact to the state and counties would be minimal.

STAFF RECOMMENDATION:

Staff recommends that DCAB formally pursue and support legislation amending the definition of "net weight" to exempt the weight of accessibility modifications to non-commercial vehicles.
STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD
GENERAL MEETING
September 14, 2017

TOPIC: Vocational Rehabilitation Services, Proposed Changes in Policy to Conform with Workforce Innovation and Opportunity Act (WIOA)

SUMMARY:

Some individuals with disabilities face barriers to employment in integrated settings that pay competitive wages, provide opportunities for advancement, and lead to economic self-sufficiency. Ensuring workers with disabilities have the supports and the opportunities to acquire the skills that they need to pursue in-demand jobs and careers is critical to growing the economy, assuring that everyone who works hard is rewarded, and building a strong middle class. To help achieve this priority for individuals with disabilities, the Rehabilitation Act of 1973 (Act), as amended by the Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128), signed into law on July 22, 2014, seeks to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion in and integration into society.

The WIOA emphasizes the provision of services to students and youth with disabilities to ensure that they have meaningful opportunities to receive the services, including training and other supports they need to achieve employment outcomes in competitive integrated employment. The Act, as amended by WIOA, expands not only the population of students with disabilities who may receive vocational rehabilitation (VR) services, but also the breadth of services that VR agencies may provide to youth and students with disabilities who are transitioning from school to postsecondary education and employment.

The State Rehabilitation Council (SRC) of Hawaii and the Department of Human Services (DHS), Division of Vocational Rehabilitation (DVR), will hold a public hearing to receive comments on the proposed changes in VR policy due to passage of the WIOA. The public hearing is scheduled for Friday, September 15, 2017, from 10:00 – 11:00 a.m. in Honolulu. Videoconferencing will be available for participants in Hilo, Kailua-Kona, Wailuku, and Lihue.

ANALYSIS:

DVR has been operating under the proposed policy changes made by the WIOA. The public hearing will allow interested persons to learn about and present their views on the topics below, including how services, training and supports are delivered.

1. Applicable Terms (new definitions)
2. Pre-Employment Transition Services
3. Supported Employment
4. Sub-Minimum Wage

STAFF RECOMMENDATION:

This staff summary is advisory only, therefore, no Board action is recommended.
STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD
GENERAL MEETING
September 14, 2017

TOPIC: Office of Information Practices, Hawaii Administrative Rules, Title 3, Chapter 200, Subtitle 15, "Agency Procedures and Fees for Processing Record Requests, and Additional Procedures for Disclosure, Correction, and Amendment, and Collection of Personal Records"

BACKGROUND:
The Office of Information Practices is proposing to update its administrative rules, Title 3, Chapter 200, Subtitle 15, "Agency Procedures and Fees for Processing Record Requests, and Additional Procedures for Disclosure, Correction, and Amendment, and Collection of Personal Records." These rules implement, in part, the Uniform Information Practices Act (UIPA) insofar as it governs procedures and fees for processing record requests and provides additional guidance and procedures for requesting either government or personal records.

SUMMARY:
The Office of Information Practices is creating an entirely new Chapter 3-200 in Title 3 of the Hawaii Administrative Rules and, simultaneously, proposes to delete its existing rules in Chapter 2-71. Among the significant changes are:

1. Add procedures for requesting ‘personal records.’ The current rules only cover ‘government records’ which means information maintained by an agency in written, auditory, visual, electronic or other physical form. ‘Personal records’ means information about an individual that is maintained by an agency and only the individual who is the subject of the personal record has the right to access to it. The rules acknowledge the need for slightly different procedures for an individual to request his or her own personal record. Sometimes a ‘government record’ contains personal information and that information is subject to redaction upon release. These procedures include verification of identity of the requestor, acceptance of alternative requests such as from a guardian, and how a person can amend his or her own record.

2. Revise and clarify the time limits and other procedures for responding to record requests (in general). This includes consolidation of multiple requests, repeat requests for the same information, time limits, etc.

3. Propose ways that an agency can protect records from loss or damage and also prevent what is newly termed “manifestly excessive interference with the agency’s functions and duties.”
4. Updates fees with a fee waiver. Adds a new inspection fee for "search, review, or segregation" applicable to staff labor costs for records that are not already available. The fee is $7.50 per fifteen minutes to search and $15.00 per fifteen minutes to review or segregate with a waiver of the first $400 per person per fiscal year. Other costs for copying, postage, etc., are still applicable and not subject to the waiver.

The majority of the proposed rules are procedural and while they impact DCAB as a state agency from an operational perspective, they do not necessarily have any disability impact that merits a DCAB policy position, although the Executive Director may have operational comments.

However, there are two areas which DO have a disability impact as follows:

(1) New term "Accessible" personal records

The proposed rules create a new Subchapter 4 entitled "Disclosure, Amendment, and Collection of Personal Records." In this Subchapter a term "accessible personal record" is created to explain when such records are reasonable. A personal record is "accessible" when it is (1) maintained according to an established retrieval scheme or indexing structure on the basis of the identity of, or so as to identify, individuals; or (2) otherwise retrievable because an agency is able to locate the record based on information provided by a requester without an unreasonable expenditure of time, effort, money, or other resources." The definition is intended to clarify that an agency is not required to expend an unreasonable amount of time or effort to go through all its files to try to find every bit of personal information about a requester.

While the concept is reasonable from an operational perspective, the use of the term "accessible" to describe those records that are reasonable for an agency to have readily available and retrievable can be confusing and misleading when the term is also customarily used to reference a record "in an accessible format" for a person with a disability. Thus, DCAB suggests the use of an alternate term such as "easily retrievable" or similar term.

(2) Accessible formats of documents

The rules speak to the issue of providing information to the public upon request and within the limitations set forth under the rules. The rules only speak to making the information available to the requestor but do not speak to the format of the information. Thus, there is no mention of the need to ensure that the information provided is in a format that is accessible to a person with a disability if it is a document that is generated for the public.

STAFF RECOMMENDATION:

Staff recommends that DCAB formally submit comments to address the two issues above relating to accessible personal records and accessible formats of documents. Staff recommends that DCAB defer to staff any comments on the non-disability related operational procedures of the rules (i.e., timeline, etc.).
SPIN Report for September 2017

Footsteps to Transition Fair at Windward Community College
SPIN staffer Amanda Kaahanui has been facilitating the planning committee for the transition fair to be held October 21st at Windward Community College. The fair is intended to help middle and high school students with developmental disabilities and their families link up with agencies involved in the transition process. Several promotional spots are planned for early morning news programs the week of the event.

Meeting with Superintendent Kishimoto
Susan Rocco, representing the Special Education Advisory Council (SEAC), met briefly with new Superintendent Christina Kishimoto to discuss how SEAC and the Department can work together in the school year. Superintendent Kishimoto has ordered a four-month program review of special education that will include data analysis, development of key questions, formation of a steering committee, and creation of design principles and recommendations. SEAC will be given one seat on the steering committee.

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Save the Date
Interested Board members are encouraged to note Saturday, April 21st, 2018 on their calendars as the date for the next SPIN Conference, titled “SPIN It to Win It!” It will be held at the UH Manoa Campus Center and organized around the theme of board games.