



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: Kamamalu Building

1010 Richards Street, Conference Room 111A

Date: January 17, 2019

Time: 11:00 a.m. to 1:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Approval of Meeting Minutes of November 15, 2018
- IV. Executive Director's Report
 - Budget
 - Personnel
 - Other Administrative Issues
- V. Old Business
 - A. ADA Coordination Update
 - B. City and County of Honolulu - Rate Commission Recommendation on Handi-Van Fares - Update
- VI. New Business
 - A. Restoration of Enforcement Authority under §368-1.5, Hawaii Revised Statutes - Hawaii Civil Rights Commission
 - B. S. 3679 – Readying Elders and Americans with Disabilities Inclusively for Disasters Act (READI for Disaster Act)
 - C. Implementation of Act 217 (2018) – Misrepresentation of a Service Animal
- VII. Committee Reports
 - A. Executive Committee (No report)
 - B. Legislative Committee

- C. Standing Committee on Communication Access
 - Hawaii Quality Assurance System (HQAS) – Update
 - HQAS Continuing Education Units Program
 - Hawaii Administrative Rules, Title 11, Chapter 218, “Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind” and Accompanying Videos and Documents
 - 2019 Legislation on Open Movie Captioning
 - Other Communication Activities from the Plan of Action FY 2018-2019

- D. Standing Committee on Facility Access
 - Document Reviews and Database – Update
 - Facility Access Trainings and Disability Access Conference, May 9, 2019
 - Projects in Conceptual Design Stage
 - Other Facility Access Activities from the Plan of Action FY 2018-2019

- E. Standing Committee on Parking
 - Parking Program Issuance and Statistics – Update
 - Public Education Quality Assurance and Outreach Efforts – Update
 - 2019 Legislation on Parking
 - Hawaii Administrative Rules, Title 11, Chapter 219, “Parking for Persons with Disabilities”
 - Other Parking Activities from the Plan of Action FY 2018-2019

- F. Special Parent Information Network
 - Update of Activities from the Plan of Action 2018-2019

VIII. Open Forum

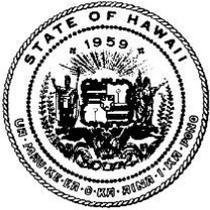
IX. Next Meeting: The next meeting is scheduled for March 21, 2019, 1010 Richards Street, Room 118, 11:00 a.m.

X. Adjournment

Board packets are available for inspection in the DCAB office, and by mail or by email upon request.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Cindy Omura at (808) 586-8121 or dcab@doh.hawaii.gov as soon as possible, preferably by January 14, 2019. If a response is received after January 14, 2019, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternative formats such as large print, Braille, or electronic copy.



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Disability and Communication Access Board General Meeting January 17, 2019

ADA Coordination Report

Since the last meeting on November 15, 2018, ADA activities of all DCAB staff included:

1. Provided technical assistance (TA) to one hundred thirty-nine (139) callers for November and December 2018 on issues related to the ADA. Key departments/agencies were: Judiciary, State Senate; Departments of Accounting and General Services (DAGS)–Aloha Stadium, Agriculture (DoAg), Business, Economic Development and Tourism (DBEDT)-Hawaii State Energy Office, Commerce and Consumer Affairs (DCCA), Education (DOE), Health (DOH), Land and Natural Resources (DLNR), Labor and Industrial Relations (DLIR), Public Safety (PSD), University of Hawaii (UH)-Community Colleges-Kauai Community College, University of Hawaii at Manoa (UHM), and the Counties of Hawaii, Maui and Kauai. Examples of significant TA to the following State and County ADA Coordinators were:

Department/Agency

Issue and TA provided

Health

Has a speaker who is hearing impaired coming to speak to a group. She can speak for herself, but how will she answer questions from the audience? She said she can use captioning.
Whatever is provided, they should discuss it with the speaker and ask her what she prefers to use. Based on that information either hire an interpreter or a captioner or use Real Conference Captioning (RCC). Referred to Sprint Relay for RCC.

Accounting and General Services-Aloha Stadium

Clarification on what an ADA Seat is. Someone won free tickets for the PIT concert. Is the Stadium required to exchange the tickets for accessible seating? The free seats are general admission and not reserved seating.
The seats were free not purchased. The Stadium is not required to exchange them for accessible seats. The individual can buy accessible seats and do what they want with the free tickets, but ADA does not require free seating to be exchanged for reserved seats.

Business, Economic Development and Tourism-Hawaii State Energy Office

Do state contracts have language stating the vendor must comply with the ADA?
All state contracts should include boilerplate language that contractors must comply with all applicable federal, state and county laws. It may not specifically

say the ADA, but it is a federal law and is included. The vendor, by accepting state money, is acting on behalf of the state and must comply with the ADA.

University of Hawaii at
Manoa

An environmental group is working on banning plastic straws at eating establishments on campus. Doing research on the implication it would have on students with disabilities. What is DCAB's advice on the topic?
If signs are posted it should be to indicate that if someone needs a plastic straw, then request one. This will keep the issue neutral and not related to a person's need due to a disability.

2. Hosted seven (7) webinars related to ADA issues:
 - Five (5) webinars sponsored by the National ADA Network on:
 - "Inclusive Disaster Preparedness, Response, and Recovery – Getting It Right"
 - "Best Practices in Inclusive Employment Practices"
 - "Got Your Car Keys? Ready? Here We Go Again, Talking about Parking and the ADA"
 - "Creating Accessible Documents with Adobe InDesign"
 - "Access to Cultural Programs and the Arts: Serving Patrons with Disabilities"
 - Two (2) webinars sponsored by the U.S. Access Board on:
 - "Accessible Exterior Routes and Surfaces"
 - "Common Sources of Confusion in the ADA and ABA Standards"
3. Provided technical assistance to the following agencies or departments on reasonable accommodations for employees with disabilities: State Senate, Judiciary, DOE, DOH, UH–Community Colleges, and the County of Hawaii.
4. Attended one (1) County ADA Coordinators meeting and staffed one (1) State ADA Coordinators regular meeting.
5. Conducted seven (7) ADA trainings: "Service Animals in Public Accommodations" for Queen's Medical Center in Honolulu and West Oahu, "Comfort Animals and Service Animals" for Atlas Insurance Agency, FEMA Emergency Preparedness Roundtable (Hawaii and Maui), and "Basic ADA Accessibility Guidelines" presented twice for state employees.
6. Continued distributing the Communication Access cards to deaf and hard of hearing people at various points statewide. Established new distribution points at the County Departments of Motor Vehicles and Judiciary statewide.
7. Maintained current information on the ADA Coordinators secured web site and DCAB's web site by ensuring current lists of State and County ADA Coordinators were available. Streamlined the ADA Coordinators secured web site to information currently being accessed by ADA Coordinators.

Any questions regarding ADA Coordination activities should be directed to Debbie Jackson at (808) 586-8121 or debbra.jackson@doh.hawaii.gov.



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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING January 17, 2019

TOPIC: S. 3679 - Readyng Elders and Americans with Disabilities Inclusively for Disasters Act (READI for Disaster Act)

BACKGROUND AND SUMMARY:

Disasters have steadily increased in intensity and frequency, and their threats to the community continues to grow. Last year Hawaii experienced several emergencies beginning on January 13, 2018 with the false missile alert, April with the Kauai and Oahu flooding, May 3, 2018 with the Kilauea eruptions and lava flow, to Hurricanes Lane and Olivia in August followed by high winds and rain after they were downgraded to tropical storm status. Planning has occurred statewide related to preparation and response to major disasters and requires coordinated efforts between federal, state, county, and non-governmental agencies. Disaster management only succeeds when all those affected come to the table to address the diverse needs of the community. Without a coordinated effort and multi-level effort, quite often the approximately 300,000 individuals with disabilities, older adults, children and others with access and functional needs are overlooked when disaster strikes.

DCAB has been working continually with the Hawaii Emergency Management Agency (HI-EMA) and each of the county Emergency Management and Civil Defense Agencies to include people with disabilities and others with access and functional needs in all phases of emergency management since 2005. There were some in-roads made with the establishment of a working group who developed the "2006 Interagency Action Plan for the Emergency Preparedness of People with Disabilities and Special Health Needs." The Plan was revised three times with the last version of the Plan in 2009.

The purpose of this bill is to improve inclusion of people with disabilities and older adults in preparation for, response to, recovery from, and mitigation of disasters; ensure the rights of the target population are free from discrimination on the basis of disability or age in programs and activities such as preparation, response, recovery and mitigation; ensure compliance with the ADA and the Rehabilitation Act of 1973 and other laws related to preparation for, response to, recovery from and mitigation of disasters; improve coordination among the community of people with disabilities and older Americans, government agencies, Volunteer Organizations Active in Disasters (VOADs), and other non-governmental entities in preparing and planning for, responding to, recovery from and mitigation measures; and improve outcomes for all individuals including people with disabilities and older adults who are affected by disasters, and increase community resilience in responding to disasters.

This bill was initially introduced on November 29, 2018 in the 115th Congress as S. 3679. The 116th Congress began on January 3, 2019; therefore, the bill would have to be re-

introduced to move forward. This analysis is based on the assumption that the new bill will be similar if not identical.

SECTION-BY-SECTION SUMMARY

Sections 1 to 4 – Title; Findings; Purposes; and Definitions

This section officially names the legislation, lays out the purpose of the bill and details the definition of terms used.

Section 5 – Use of Disaster Response Funds

Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Section 615 to address the needs of people with disabilities in Federal disaster funding.

Section 6 – Training, Technical Assistance, and Research Disability and Disaster Centers

Provides financial support for developing and providing technical assistance and training to State and local emergency managers and disaster relief agencies. Will ensure the needs of people with disabilities and older Americans are addressed throughout emergency preparedness, disaster response, recovery, mitigation and community resilience.

Section 7 – Projects of National Significance

Defines terms used in this section and appropriates funds for grant projects of 3–5 year duration focusing on serving the needs of people with disabilities and older adults to develop cross-disability, consumer-directed community support services to promote inclusion, needs and rights of covered individuals to prepare for, respond to , recover from, and mitigate disasters and establish an advisory group in which half the group are members of the covered individuals.

Section 8 – National Commission on Disability Rights and Disasters

Establishes the National Commission on Disability Rights and Disasters. The Commission will study and provide recommendations on how to ensure emergency preparedness, disaster response, recovery and community resilience efforts meet the needs of people with disabilities and older Americans.

Section 9 and 10 – Review of Department of Justice Settlement Agreements and Government Accountability Office (GAO) Report

Requires the Department of Justice (DOJ) to create an Oversight Committee to review all Americans with Disabilities Act settlement agreements related to disaster response activities for the years 2005 to 2017. Also directs GAO to investigate whether past federal disaster funds have been used to ensure accessibility to emergency programs and services.

ANALYSIS:

Sections 1 – 7 are clear and straight forward. No comments or suggestions for changes.

Section 8 – National Commission on Disability Rights and Disasters

Instead of a National Commission on Disability Rights and Disasters, establish liaisons in each state to attend national meetings either in person or online and develop policies and plans within each state. The diversity of types of people with disabilities and membership of such a group will better reflect each state and develop leadership at the state level. A national commission often does not reflect what is happening at the state level and the unique natural disasters faced by each geographic location. Any funding appropriated to

establish a national commission could be appropriated to FEMA offices for a state disability specialist for disasters.

Section 9 – Review of Settlement Agreements

DOJ already has the information available. Instead of creating an advisory committee to review cases, DOJ could collect the information available, and conduct a review and analysis of the settlement agreements to point out patterns and areas that need correction.

Section 10 – GAO Report on Past Use of Disaster Funds. No comment.

STAFF RECOMMENDATION:

Staff recommends that DCAB support the bill with the above comments. Our testimony should include comments provided in the analysis section, as well as add in state activities related to people with disabilities and emergency management in which Hawaii has taken the lead in planning and implementation.