



# 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

## AGENDA

### Disability and Communication Access Board General Meeting

Location: Kamamalu Building  
1010 Richard Street, Conference Room 111A  
Date: March 21, 2019  
Time: 11:00 a.m. to 1:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Approval of Meeting Minutes of January 17, 2019
- IV. Executive Director's Report
  - Budget
  - Personnel
  - Other Administrative Issues
- V. Old Business
  - A. ADA Coordination Update
  - B. City and County of Honolulu, City Council Resolution 18-78, CD1
  - C. Implementation of Act 217 (2018) – Misrepresentation of a Service Animal - Update
  - D. Dogs in Restaurants - Update
- VI. New Business
  - A. Pedestrian Safety Related Proposals – Position Statement (see attached staff summary)
  - B. Nominating Committee
- VII. Committee Reports
  - A. Executive Committee (No report)
  - B. Legislative Committee

- Ratification of Meeting Minutes of January 23, 2019, January 30, 2019, February 6, 2019, February 13, 2019, February 27, 2019, March 6, 2019, March 13, 2019

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
- 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 May 16, 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](mailto:dcab@doh.hawaii.gov) as soon as possible, preferably by March 18, 2019. If a response is received after March 18, 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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### MINUTES

#### Disability and Communication Access Board General Meeting

Location: Kamamalu Building

1010 Richard Street, Conference Room 111A

Date: March 21, 2019

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

**PRESENT:** Bill Bow, Chairperson; Anthony Akamine, Monty Anderson-Nitahara, Pauline Aughe, Ron Awa, Rosanna Daniel-Kanetake, Scott Fleming, Dean Georgiev, Violet Horvath, Nikki Kepo'o, Summer Kozai, Justin Tokioka, Amy Tsuji-Jones, Board Members; Francine Wai, Debbie Jackson, Kristine Pagano, Kirby Shaw, Duane Buote, Bryan Mick, Staff

**ABSENT:** Marie Kimmey, Phyllis Meighen, Misella Tomita, Bryant Yabui, Board Members

**GUEST:** Peter Fritz

#### SIGN LANGUAGE

**INTERPRETERS:** Mala Arkin and Carie Sarver

- I. The meeting was called to order at 11:05 a.m. by Chairperson Bill Bow.
- II. Minutes of the January 17, 2019 meeting were approved as circulated (M/S/P Akamine/Horvath).
- III. Executive Director's Report

Francine Wai reported that the budget process is underway. She asked Administrative Officer Kristine Pagano to report on the status of our budget requests. Kristine Pagano reported that our request for full-year funding for the new Facility Access Specialist position has cleared both the House and Senate. Our request to update the organizational codes has also cleared both houses. We are still waiting on the half time IT/Communication Access position.

Francine Wai then reported on personnel items. We have interviewed for the position of the new Facility Access Specialist and hope to fill the position on May 1, 2019. Although an individual has been selected, the paperwork and other background information need clearance before an announcement can

be made. We also have an individual, Jeanette Hendrickson, who is assisting with the legislative process paperwork. Finally, we have arranged for a summer intern from RIT (Rochester Institute of Technology) to do his internship for twelve weeks working on deaf-related issues beginning in mid-May. He is a deaf student interested in, hopefully the implementation of our movie theater bill, as well as preparation for other communication access related measures for next year, and he will be introduced at the May DCAB meeting.

#### IV. Old Business

##### A. ADA Coordination Update

Debbie Jackson referred members to the written report mailed to all members. There were no questions from the members.

##### B. City and County of Honolulu, City Council Resolution 18-78, CD1

Francine Wai stated that at the May 2018 Board meeting, the Board took a very general position to monitor the Resolution and its potential impact on persons with disabilities. Duane Buote stated that the Resolution finally was heard by the Honolulu City Council and DCAB submitted testimony in opposition to the provision in the Land Use Ordinance that would allow a building to be constructed up to six stories in height (i.e., a six story walkup) with an elevator exemption. This would severely compromise access for persons with disabilities. It was noted that this would also present a challenge to people who perhaps started residency able bodied but then developed a disability that would make it impossible to remain in their home. Duane Buote noted that the Fair Housing Design Guidelines defer to local codes with respect to an elevator requirement and noted that any floor not a ground floor or accessed by an elevator would not be required to have accessible or adaptable units. After a question was posed on cost, Scott Fleming noted that the cost of an elevator was approximately \$30,000 per floor. Staff will continue to track this measure.

##### C. Implementation of Act 217 (2018) – Misrepresentation of a Service Animal

Francine Wai reported that there is basically no new information on the implementation of Act 217 relating to misrepresentation of a service animal. However, she reported that the Legislature has introduced House Concurrent Resolution 203, House Resolution 183, Senate Concurrent Resolution 8, and Senate Resolution 9 seeking a study on the implementation of the law. The lead agency is the Department of Human Services, but DCAB is mentioned as a collaborator in this study.

##### D. Dogs in Restaurants

Francine Wai stated that this item is on the agenda as an Update because the issue was placed on a previous agenda under New Business with the

visit of a representative from the Hawaiian Humane Society. A bill was introduced at the Legislature to give restaurants the option of being dog friendly, not just to service animals/dogs, but to all dogs. When the bill was actually introduced, staff sought the input of the Board members and drafted a testimony offering comments consistent with the comments at the past meeting as well as from individual feedback. Essentially, the comments indicated that any provision to expand the admission of dogs beyond service dogs should have specific guidelines to protect the rights of service dog users as well as children or families with disabilities who have strong reactions to animals in general. This would include limitations to outdoor seating where there is also an outdoor area not open to dogs other than service animals as well as posted guidelines on the behavior of the animal. Upon questioning, Francine Wai was not able to state whether or not there was any testimony from service animal users on the issue. The bill had a hearing with comments both pro and con, and the bill was ultimately deferred. Since this is the first year of the biennium, DCAB can expect the issue to arise again and to provide similar, if not more in-depth comments. Guest Peter Fritz stated he did not expect the bill to be resurrected in its current form after speaking with State Representative Richard Creagan, although a bill to give Counties the discretion to pass an ordinance, with safeguards, might be more likely.

V. New Business

A. Pedestrian Safety Related Proposals – Position Statement

Kirby Shaw referred members to the staff summary attached with the agenda. He stated that there are many proposals, mostly at the level of the counties, but also at the state, to make Hawaii more pedestrian-friendly and reduce pedestrian-related accidents. The issues include measures to reduce accidents, improve walkability and visibility, provide safety at crosswalks and intersections through design, no right-hand-turn on red, keeping sidewalks clear, complete streets, regulations on mobility devices on sidewalks, etc. The staff summary provided examples of some of the recently introduced measures as examples of various policy efforts, not as an exhaustive list of bills. Kirby Shaw noted that some of the proposed measures have already died but others have resurrected in other forms or measures. The purpose of the staff summary is to seek a broad DCAB position statement that would encompass providing testimony on the full range of measures that promote pedestrian safety with an emphasis on the needs of pedestrians with mobility disabilities. The Board approved the staff summary and position statement (M/S/P Kepo'o/Akamine).

B. Nominating Committee

Bill Bow reported that our bylaws require the establishment of a Nominating Committee to recommend a slate of officers for next year. He

asked for volunteers. The Committee will consist of Bryant Yabui, Pauline Aughe, and Summer Kozai.

## VI. Committee Reports

### A. Executive Committee

There was no report. Bill Bow announced that the Executive Committee will meet immediately after the Board meeting today to discuss updating the Bylaws and Board Manual.

### B. Legislative Committee

Committee Chairperson Rosanna Daniel-Kanetake reported that the Legislative Committee met seven times to review and take positions on various bills, concurrent resolutions and resolutions. The Board has received copies of the minutes from the meetings of January 23, 2019, January 30, 2019, February 6, 2019, February 13, 2019, February 27, 2019, March 6, 2019. and March 13, 2019. The Board ratified the actions taken in all the minutes (M/S/P Aughe/Anderson-Nitahara).

The Committee has finished meeting regularly; however, should the Committee need to take a position on a measure a meeting will be scheduled. The Board will receive a written report of the bills, concurrent resolutions, and resolutions that have passed or been adopted by the Legislature at the next meeting.

### C. Standing Committee on Communication Access

Committee Chairperson Nikki Kepo'o reported that the Standing Committee on Communication Access met twice since the last full Board meeting. With respect to the Hawaii Quality Assurance System (HQAS), there are currently twenty-seven (27) interpreters enrolled in the HQAS Continuing Education Program. There are no interpreters on a Continuing Education Unit (CEU) extension. DCAB administered two HQAS tests in January and are currently awaiting the results of those tests. DCAB's contract with the Comprehensive Service Center (CSC) to develop videos is underway. These videos are related to: 1) the Interpreter Code of Professional Conduct and 2) interpreting using local language/dialect. Both projects are scheduled to be completed by May 1, 2019. In addition to the videos produced by the CSC, staff is planning to produce videos covering the HQAS Pre-Test Workshop.

At the last meeting, it was reported DCAB received the Ramseyer version of the rules back from the Deputy Attorney General, which had only few changes. Soon after, staff received the standard version of the rules and the memorandum. This also had few changes. Staff incorporated the changes in an updated version of the draft rules and returned them to the

Deputy Attorney General. The Deputy Attorney General anticipates finishing the review of the rules by the end of this week.

With respect to American Sign Language (ASL) Interpreter Continuing Education Unit Workshops, DCAB set aside funds to sponsor CEU workshops and accepted workshop proposals last month. After staff reviewed the proposals and made recommendations, the Committee voted to award \$2,000 to: 1) Hawaii Registry of Interpreters for the Deaf, to host CEU workshops on "Power, Privilege, and Oppression" and 2) Winkshop, Inc., to host CEU workshops on "Depiction in Interpreting: When and How." Both workshops will be offered before September 30, 2019.

Nikki Kepo'o reported on the status of our 2019 legislation on open movie captioning. Two versions of the Open Captioning bill have moved during the current legislature: House Bill 1009 and Senate Bill 331. Both bills must be heard by one more Committee. The only difference between the two bills is that Senate Bill 331 requires all open captioned movies to have at least one showing on a Saturday or Sunday. Based on how both bills have moved, staff expects open captioning to be decided in Conference Committee. Staff has been sending regular updates to the community. So far, twelve updates have been sent to the community. Contact staff if you wish to receive updates.

DCAB has entered into a Memorandum of Agreement with Dendros Group to prepare a White Paper on a recommended fee schedule for providers of communication access services. This White Paper will take into consideration (1) how other state jurisdictions or entities are handling fees and (2) the transition to the Hawaii State Sign Language Interpreter Credential, which will feature the Tiers V, IV, III, and Provisional levels.

D. Standing Committee on Facility Access

Ron Awa reported for Committee Chairperson Marie Kimmey. He reported that the Facility Access Unit (FAU) reviewed two hundred twelve projects from January 1 to March 20, 2019 of which one hundred twenty-five were new submittals. The FAU collected \$148,559 in fees during that same period of time.

With respect to training, the FAU has scheduled the third session of the new basic training series on March 28, 2019 and April 2, 2019. The 2019 Disability Access Conference will be held on May 9, 2019 with speakers Paul Beatty and Scott Windly from the U.S. Access Board, as well as Bill Hecker from Hecker Design, LLC. Dean Georgiev is organizing a session on Wayfinding and the Luncheon Keynote speaker is tentatively scheduled to be Chris Downey of Architecture for the Blind.

The launch of the new facility access database will occur on April 1, 2019. The new system is web based and will allow credit card payments as well

as the ability to attach electronic PDF drawings. The FAU is working towards accepting electronic submissions for the review process and is experimenting with the Bluebeam software and larger monitors to ensure that the review times are not adversely affected when reviewing electronic drawings.

The FAU has been discussing the expansion of a parking lot to determine if it would be considered an alteration to the existing parking lot or an addition to the site. This subtle difference may affect the allowable count and location of accessible parking stalls within the review process. After discussion the Committee determined that the issue did not require an interpretive opinion because the situation was to be reviewed as an addition.

E. Standing Committee on Parking

Committee Chairperson Pauline Aughe reported that the Committee met this morning, prior to the Board meeting. For the fiscal year 2019 the first two months of the third quarter (January and February), there were 4,957 placards and 269 special license plates issued. Of the placards, 1,231 were temporary and 3,725 were long term. Of the long-term placards, 1,655 were renewals issued by DCAB. The renewal rate was fifty nine percent. With respect to public education and outreach, the public service announcement on the City and County of Honolulu buses are still in service. Dean Georgiev asked what is contained on the poster and staff explained that the message is about the proper use of the stall and access aisle.

With respect to our parking legislation, there are two bills introduced which relate to the parking program, House Bill 696 and Senate Bill 1236. Each bill was amended in Committee and crossed over to the other chamber, who then gutted and replaced it with the other bills' language (i.e., the bills swapped language). Right now, House Bill 696 HD2, SD1 has the language that DCAB originally drafted. We continue to support both bills in the hopes that they will go to Conference Committee and the language in House Bill 696, HD2 SD1 ultimately be used. The other bill is currently titled Senate Bill 1236, SD2, HD1, and will likely be amended to House Draft 2 this afternoon. The main difference is that several versions of the bills do not include our amendments on the limited metered parking privileges.

Staff has identified another amendment to be made to the parking administrative rules. Under the ADA, a parking lot with four or less stalls must provide one van accessible stall, but it does not need to be reserved for use by people with disability parking permits. Our administrative rules require a no-parking in access aisle sign be placed at the head of a van access aisle, but it defines an access aisle as being attached to a reserved stall, unintentionally exempting lots with four or less stalls which are unreserved. The Committee is proposing a staff recommendation to

change the word 'reserved' to 'designed,' which will cover all accessible stalls. Staff provided clarification on the current signage and paint requirement for the stalls, noting that the blue pavement markings with the International Symbol of Accessibility are not required. Pauline Aughe noted that a huge problem is lack of enforcement no matter what the signage or marking requirements.

For the placard death retrieval effort, DCAB performed a cross check with the Department of Health's vital records, and 3,408 records were flagged. Staff has been reviewing each of the records as some were a permittee with multiple records, some had letters previously returned as undeliverable, and some were permits which had recently been turned in to DCAB or a county issuing site. The final list to which letters will be sent is projected to be around 2,500 and will hopefully go out in mid-April.

F. Special Parent Information Network

Due to the absence of liaison Phyllis Meighen, a written report will be attached to the minutes. Francine Wai reported that the SPIN Conference is April 13, 2019 and any Board member interested in attending should contact the office as soon as possible. SPIN is updating the Parent Guide to Special Education and any member who would like a copy may contact SPIN. The third area that SPIN is actively involved with is monitoring the Department of Education's Biennium Budget through the Special Education Advisory Council.

VIII. There were no comments under the Open Forum

IX. Next Meeting: The next meeting is scheduled for May 16, 2019, 1010 Richards Street, Room 118, 11:00 a.m.

X. The meeting was adjourned at 12:19 p.m.

All votes were unanimous unless otherwise noted.

Respectfully submitted,



FRANCINE WAI



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DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING  
March 21, 2019

### ADA Coordination Report

Since the last meeting on January 17, 2019, ADA activities of all DCAB staff included:

1. Provided technical assistance (TA) to one hundred forty-three (143) callers for January and February 2019 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), Defense (DoD), Education (DOE), Human Services (DHS), Libraries, 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, and the City and County of Honolulu. Examples of significant TA to the following State and County ADA Coordinators were:

#### Department/Agency

#### Issue and TA provided

Land and Natural Resources

Items on their web site that are in Hawaiian and English. Is that accessible to screen readers? Also has information posted on their web site submitted by a third party. Who is responsible for the accessibility for documents on their web site.  
*Anything published on a State web site should be accessible to the greatest extent feasible as a program and service of state government. Suggested establishing a policy that any items submitted to the Department be submitted in a specific format to assist the Department in creating accessible formats of documents submitted for posting on the web site.*

Office of Elections

Developing a program with a pamphlet on voting. For the presentations on the pamphlet, how many interpreters should be hired? The presentations will be 3-4 hours long.  
*Depends on the complexity of the information and interaction during the presentation. In most situations, if it is a lecture format two interpreters are hired to switch periodically because of the length of the presentation. If the presentation is more complex (using a panel of people with disabilities), an additional interpreter may be necessary if one of the panelist is deaf or hard of hearing and there are deaf individuals in the audience.*

Agriculture

They have a secure door. Person can enter the lobby where they use a phone, but no TTY. What can they do to make it accessible for a person who is deaf?

*Post a sign with a text number so the deaf person can text the receptionist to come and open the door.*

City and County of Honolulu

During the High Wind event in February, the Mayor's television briefing did not include an ASL interpreter. Complaints received from deaf citizens.

*DCAB drafted a letter to the Mayor to inform him that the lack of an interpreter left out a population of people with disabilities. Recommended that any future briefings for emergency-related information include an ASL interpreter to keep Deaf and hard of hearing citizens informed of impending danger.*

2. Hosted five (5) webinars related to ADA issues:
  - Three (3) webinars sponsored by the National ADA Network on:
    - "The Latest in American Red Cross Efforts to Integrate People with Disabilities in Emergency Planning and Response"
    - "Feeling Safe, Being Safe Going Forward"
    - "The ADA Business Barrier Removal: What are the Requirements?"
  - Two (2) webinars sponsored by the U.S. Access Board on:
    - "Accessible Sidewalks, Shared Use Paths, and Street Crossings"
    - "Common Sources of Confusion in the ADA and ABA Standards"
3. Provided technical assistance to the following Departments/agencies on reasonable accommodations for employees with disabilities: State Senate, Judiciary, Agriculture, UH–Community Colleges, and the County of Maui.
4. Attended one (1) County ADA Coordinators meeting.
5. Conducted six (6) ADA trainings or speaking engagements: "Service Animal Regulations" for Hawaii Public Radio, "Overview of Title II and Disability Etiquette" for the Public Access Room at the Capitol, "Provision of Auxiliary Aids and Services" (2x) for DBEDT and Hawaii Tourism Authority, and "Basic ADA Accessibility Guidelines – Part 2" (2x) for state employees.
6. 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.

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



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### STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING March 21, 2019

TOPIC: Various Pedestrian Safety Related Proposals

SUMMARY AND ANALYSIS:

The State of Hawaii and the City and County of Honolulu are considering several legislative proposals that share the common goal of increasing pedestrian safety, including, but not limited to:

- Prohibition of turning on a red light within Honolulu County (Senate Bill 167/House Bill 185).
- Authorization for the counties to install red light cameras (Senate Bill 169/House Bill 187).
- Establishment of a committee to study the implementation of a red-light camera program (Senate Bill 663).
- Requirement for the Department of Transportation Services and Honolulu Police Department every five years to conduct a comprehensive traffic study of all accidents involving a serious or fatal injury to a pedestrian (C&C Bill 27 (2018)).
- Request to the administration to implement a transportation safety outreach program and media campaign (C&C Resolution 18-152).
- Request to the administration to adopt the goals, strategies, and policies of Vision Zero (C&C Resolution 18-219).
- Request to the administration to organize in conjunction with the City Council a pedestrian safety conference (C&C Resolution 19-32).
- Request to the Department of Transportation Services to study the expanded use of Barnes Dance intersections at warranted locations on Oahu (C&C Resolution 19-33).

The above is not an exhaustive list. However, these and all similar pedestrian safety measures should expressly recognize that pedestrians with disabilities are especially vulnerable to collisions with vehicles. For example, persons who use wheelchairs and other mobility devices and persons of short stature are lower to the ground and are therefore less visible to drivers looking over the hood of their vehicles. In addition, pedestrians with a mobility disability – such as persons with arthritis, vascular and orthopedic conditions – may not have the agility or reflexive speed to get out of the way of an approaching vehicle. People with auditory or visual disabilities may not be able to avoid a collision with a vehicle as easily as someone without a disability.

STAFF RECOMMENDATION:

Staff seeks a broad objective and policy position for the Board to support all feasible efforts to increase pedestrian safety, and that the Board's support should point out that the safety needs of pedestrians with disabilities must be included. Staff recommends that the objective be included in next year's Plan of Action so that action can be taken without waiting for specific proposed bills, resolutions, studies, etc., to surface.

## **SPIN Report for March 2019**

### **SPIN Conference Planning**

SPIN staff is gearing up for our 33<sup>rd</sup> Annual SPIN Conference, “SPIN on Down the Road” scheduled for April 13<sup>th</sup> at the UH Campus Center. 70 parent airfare scholarships have been awarded thanks to the generous donations of private individuals, the Office of Language Access, the Early Intervention Section and the Developmental Disabilities Council. Board members are most welcome to join in the fun and the opportunity to network with 60+ organizations serving children with disabilities and their families. You may notify Francine or contact SPIN directly (586-8126 or [spin@doh.hawaii.gov](mailto:spin@doh.hawaii.gov)).

### **Review of the Department of Education’s (DOE) Biennium Budget**

SEAC invited Assistant Superintendent Amy Kunz, Chief Financial Officer for DOE, to present the biennium budget request for School Years 2019-20 and 2020-21. One area of note is that DOE is utilizing salary savings from special education positions they have been unable to fill to fund skilled nursing services for students with disabilities and to build their capacity to provide applied behavior analysis supports to students with autism and other developmental disabilities. SEAC has subsequently provided supportive testimony for the budget request at various legislative hearings. To view the DOE budget Board members can go to:

<http://www.hawaiipublicschools.org/ConnectWithUs/Organization/Budget/Pages/home.aspx>.

### **Parent Guide Update**

SPIN is in the process of updating its popular summary of special education rights entitled “A Parent’s Guide to Partnership in Special Education.” The Guide translates Hawaii’s rules for special education, Chapter 60, into parent-friendly language and includes a list of commonly used terms and acronyms. If Board members would like a copy of the Guide once it is printed, please notify SPIN.