



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: May 16, 2019
Time: 11:00 a.m. to 1:00 p.m.

- I. Call to Order
- II. Roll Call
 - Announcement of New and Reappointed Board Members and Recognition of Outgoing Board Member
- III. Approval of Meeting Minutes of March 21, 2019
- IV. Executive Director's Report
 - Budget
 - Personnel
 - Other Administrative Issues - Update
- V. Committee Reports
 - A. Executive Committee
 - Bylaws - Update
 - Board Member Manual – Update
 - Executive Director Position
 - B. Legislative Committee – End of Session Summary
 - C. Standing Committee on Communication Access
 - Hawaii Quality Assurance System (HQAS) – Update
 - Hawaii Administrative Rules, Title 11, Chapter 218, “Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind” and Accompanying Videos and Documents
 - HQAS Continuing Education Workshops
 - 2019 Legislation on Open Movie Captioning – Update and Outreach
 - Communication Access Conference
 - Other Communication Activities from the Plan of Action FY 2018-2019
 - D. Standing Committee on Facility Access
 - Document Reviews and Database – Update

- Disability Access Conference, May 9, 2019 - Update
- 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 - Update
- Other Parking Activities from the Plan of Action FY 2018-2019

F. Special Parent Information Network

- SPIN Conference, April 13, 2019 - Update
- Update of Activities from the Plan of Action 2018-2019

VI. Old Business

A. ADA Coordination Update

B. Policy Statement on Public and Paratransit Fares

VII. New Business

A. Establishment of a Permitted Interaction Group (PIG) pursuant to Hawaii Revised Statutes §92-2.5 for the purpose of reviewing and interviewing candidates for the position of Executive Director of the Disability and Communication Access Board (DCAB). The PIG shall report its findings at the next meeting of the full Board of DCAB.

B. H.R. 1549 and S. 669 – Air Carrier Access Act Amendments

C. Nominating Committee Report – Election of Officers

VIII. Open Forum

IX. Announcement of Next Meetings

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 May 13, 2019. If a response is received after May 13, 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: May 16, 2019
Time: 11:00 a.m. to 1:00 p.m.

PRESENT: Bill Bow, Chairperson; Anthony Akamine, Monty Anderson-Nitahara, Pauline Aughe, Ron Awa, Scott Fleming, Dean Georgiev, Violet Horvath, Nikki Kepo'o, Marie Kimmey, Summer Kozai, Phyllis Meighen, Justin Tokioka, Bryant Yabui, Board Members; Francine Wai, Debbie Jackson, Kristine Pagano; Kirby Shaw, Duane Buote, Bryan Mick, Colin Whited, William Roberts, Staff

ABSENT: Rosanna Daniel-Kanetake, Misella Tomita, Ami Tsuji-Jones, Board Members

GUESTS: Glenn Arakaki, Peter Fritz, Rebekah Ho'opii (Hawaii Registry of Interpreters), Julie Yang (House Finance Committee)

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

COMPUTER

ASSISTED NOTETAKER: Sarah DiBella

VIDEO REMOTE CAPTIONING: Sprint Relay

I. The meeting was called to order at 11:00 a.m. by Chairperson Bill Bow.

After the roll call, Chairperson Bill Bow noted that the term of Misella Tomita will end on June 30, 2019. He thanked Misella Tomita for her participation, especially on the Standing Committee on Communication Access. Chairperson Bill Bow will be mailing a letter of appreciation to Misella Tomita for her service on the Board. Francine Wai reported that we have one new member, Gerald Isobe, who will be joining the Board on July 1, 2019 to replace Misella Tomita.

II. Minutes of the March 21, 2019 meeting were approved as circulated (M/S/P Anderson-Nitahara/Akamine).

III. Executive Director's Report

Francine Wai reported on the DCAB Budget. The Legislature adjourned and our budget is set. For the special fund, we received approval to extend our new Facility Access Specialist II position to full-year funding. With our general fund, there was a net zero impact. We requested a position for emergency preparedness for people with disabilities which was denied at the administration level back in January. We also requested a telecommunications/communication access specialist position to focus on web, social media, and media access with no funds. However, this required an internal trade-off of a position count, which was not granted. Finally, we asked for a cost neutral correction to the budget codes and this request was approved.

Francine Wai introduced Glenn Arakaki as the new Facility Access Specialist II in the Facility Access Unit who will be starting on June 3, 2019. She also introduced William Roberts from the Rochester Institute of Technology in New York, as a summer intern in the communication access program.

Francine Wai also restated to the Board her intention to retire with a date still to be determined based upon the hiring of a new Executive Director. There will be more discussion on this later on the agenda under the Executive Committee Report and the establishment of a Permitted Interaction Group.

IV. Committee Reports

A. Executive Committee

Chairperson Bill Bow reported that the Executive Committee met both in open and closed executive sessions. On March 21, 2019, the Executive Committee reviewed both the current Bylaws and the Board Member Manual for the purposes of updating both documents. The Committee approved drafts of both and staff has sent both documents to Board members for review. Although the documents did not need legal approval, a copy was forwarded to the Deputy Attorney General who had no legal concerns. The Board voted to approve both documents as revised (M/S/P Kepo'o/Anderson-Nitahara).

B. Legislative Committee

In the absence of Committee Chairperson Rosanna Daniel-Kanetake, staff member Debbie Jackson noted that a Legislative Summary was mailed to all members. She stated that the session was very good for DCAB-initiated bills, as our two (2) Administration bills were passed and are awaiting Governor's signature. More on those two (2) bills will be reported in the Committee Reports on Communication Access and Parking. Staff legislative liaison Debbie Jackson elaborated on several non-DCAB initiated legislation: 1) the Hawaii Civil Rights Commission bill on nondiscrimination in state services, which failed; 2) the hearing aid bill, which failed; 3) the general excise tax bill, which failed; 3) the non-Real ID identification card, which passed. She noted that DCAB was mentioned in a resolution as a participant in a multi-language work group on emergency notifications. Guest Peter Fritz provided

background information on several bills that he supported -- the hearing aid bill, the general excise tax bill, and Senate Bill 335 on public meetings.

C. Standing Committee on Communication Access

Committee Chairperson Nikki Kepo'o stated that the Standing Committee on Communication Access will meet this afternoon after today's 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. The HQAS test performances of two (2) interpreters were evaluated; they both were issued an HQAS Level IV credential. DCAB will also administer one (1) HQAS test later this month. DCAB's contract with the Comprehensive Service Center (CSC) to develop videos is now in its final stages of production. These videos are related to 1) the Interpreter Code of Professional Conduct and 2) interpreting using local language/dialect. In addition to the videos produced by the CSC, staff is in the process of producing videos on the HQAS Pre-Test Workshop.

The Deputy Attorney General gave approval to the draft Hawaii Administrative Rules, Title 11, Chapter 218, "Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind." Staff presented to the Small Business Regulatory Review Board (SBRRB) this morning. The next step is to await the Governor's go-ahead to proceed with the public hearing. Staff Kirby Shaw indicated that the meeting with the SBRRB went well and they indicated approval and support for the removal of the recommended fee schedule from the rules.

With the recommended fee schedule, at the last meeting, it was announced that DCAB has entered into a Memorandum of Agreement (MOA) with the Dendros Group to prepare a White Paper on a recommended fee schedule for providers of communication access services. The Dendros Group will present it at today's Committee meeting.

At the previous meeting, the Committee voted to accept two (2) workshop proposals for funding CEU workshops prior to September 30, 2019. Funds are being awarded 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."

Our 2019 legislation on Open Movie Captioning passed the Legislature and has been transmitted to the Governor for his signature. House Bill 1009 makes three (3) amendments to the Open Movie Captioning law which increases the number of open captioned showings per week for each movie from one to two (1 to 2), removes language allowing for lightweight eyewear as a substitute to open captioning, and eliminates the sunset date to make the law permanent. A total of fifteen (15) updates related to communication access legislation were sent out to the community this session.

Thanks to the Office of Language Access (OLA), DCAB has received funds to host a Communication Access Conference this summer. The plan is to host two (2) half-day conferences in July, with one (1) geared toward the community and the other intended for professionals. Our intern, William Roberts, is a student at the Rochester Institute of Technology and will work on various communication access projects, including the Communication Access Conference.

D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Facility Access Unit (FAU) reviewed two hundred twelve (212) projects from April 1 to May 15, 2019 of which one hundred twenty-five (125) were new submittals. The monies collected were on track for the projected revenue for the year.

The 2019 Disability Access Conference was held on May 9, 2019 with two hundred eighteen (218) registered attendees. We had positive overall feedback about the Conference. In particular, the inclusion of topics on issues for persons with hearing or vision impairments was well received. Hansel Bauman, a recognized leader in DeafSpace Architecture, gave the keynote presentation, which provided many of the attendees a unique opportunity to view design from another perspective. The FAU will continue the new basic training series with the fourth installment scheduled for June 18 and June 19, 2019. Dean Georgiev, who coordinated a panel on design and wayfinding for people who are blind, added that he felt that the sessions were well received and provided a different perspective on design.

As noted under the Executive Director's Report, the Committee is pleased to announce that Glenn Arakaki has accepted a position in the FAU, as a Facility Access Specialist II. His official start date will be June 3, 2019. With the addition of Glenn Arakaki, the FAU hopes to be able to devote some additional time to other activities outside of plan reviews. Now that the Unit is fully staffed and the project reviews are not backlogged, the Plan of Action has been adjusted to add more training opportunities and provide guidance to state and local governments to improve access in areas where no accessibility design guidelines exist.

E. Standing Committee on Parking

Committee Chairperson Pauline Aughe reported that the Parking Committee met this morning prior to the Board meeting. For the third quarter of fiscal year 2019 there were 7,580 placards and 457 special license plates issued. Of the placards, 1,819 were temporary and 5,759 were long term. Of the long term placards, 2,616 were renewals issued by DCAB. The renewal rate was sixty-one (61) percent.

With respect to public education and outreach, the public service announcements are still on TheBus. In addition, 4,500 informational flyers regarding reserved accessible parking spaces and penalties were delivered to the Department of Education's drivers education program.

The parking program had a big success at the Legislature this year. Senate Bill 1236 was amended in Conference Committee to use the language

preferred by DCAB and subsequently passed both chambers unanimously. It is now awaiting the Governor's signature. The bill does several things: 1) restricts the parking meter exemption to only those who are licensed drivers and who cannot reach or operate a meter or pay station due to a disability, this becomes effective July 1, 2021; 2) makes selling or purchasing a parking permit by a private party illegal; 3) clarifies the ability of law enforcement to confiscate placards that are expired, bought or sold by a private party, voided, fraudulently altered or manufactured, or misused; and 4) rewords the permittee eligibility criteria so that the certifying physician or advanced practice registered nurse has to identify a diagnostic condition and its functional impact on the applicant's ability to walk two hundred (200) feet without stopping to rest.

The administrative rules will need major amendments to reflect Senate Bill 1236. The Committee hopes to have draft amendments to present at a future meeting so that the Board may approve the draft to request the Governor's approval to hold a public hearing.

For the placard death retrieval effort, DCAB performed a cross check with the Department of Health vital records, and 2,496 letters were sent to the estates of deceased permittees. As of this Monday, 979 (39%) were returned, 113 (4.5%) were reported as lost or disposed of by the family, and 355 (14%) were returned by the post office as undeliverable. These rates compare favorably to the 2018 effort where thirty-five percent (35%) of the placards were returned, seven percent (7%) were reported as lost or disposed of, and twenty percent (20%) were returned as undeliverable.

F. Special Parent Information Network

Liaison Phyllis Meighen reported that SPIN held a successful conference on April 13, 2019 titled "SPIN ON DOWN THE ROAD" with five hundred forty-five (545) attendees. SPIN arranged for travel for over seventy (70+) neighbor island parents through generous donation from OLA and sponsoring agencies. There were sixty-four (64) exhibitors present. Phyllis Meighen reported on SPIN's activities with the Ho'omana Autism Support Group and the Early Language Working Group. A SPIN Report is attached to the minutes.

V. Old Business

A. ADA Coordination Update

Debbie Jackson referred members to the written ADA Coordination Update that was sent to all members. There were no questions on her report.

B. Policy Statement on Public and Paratransit Fares

Members were referred to the staff summary that was mailed to all members. Bryan Mick stated that the staff has been monitoring the proposals at the City and County of Honolulu City Council regarding proposed fares for both the public transit system as well as the paratransit (Handi-Van) service. Because the Council meets much more frequently than the DCAB Board, there are

multiple, ever-changing proposals for fare changes based upon the recommendations of the Rate Commission, Department of Transportation Services, and consumer groups such as the CFADAR (Citizens for a Fair ADA Ride) that are floated weekly. It is difficult for DCAB staff to bring the various ideas to the Board, since the Board meets bimonthly. Thus, staff prepared a set of guiding principles that will help define what DCAB supports and considers acceptable in terms of public policy for both fare structures. The Board reviewed the draft summary and recommended that #5 be reworded to emphasize that other options for revenue enhancement should be explored before fares are increased, including why other options are not feasible. The Board approved the broad policy statement with the modification to the language in sentence #5 (M/S/P Kepo'o/Anderson-Nitahara).

VI. New Business

New Business items were taken out of order to place the discussion of the Permitted Interaction Group at the end of the agenda.

A. H.R. 1549 and S. 669 – Air Carrier Access Act Amendments

Kirby Shaw referred members to the staff summary that was mailed to all members with the proposed amendments to the Air Carrier Access Act. Several members related instances of poor treatment from the airlines. Pauline Aughe reported on the frequent damage to wheelchairs, echoed by Scott Fleming, who referenced statistics on a web site called newmobility.com. Bryant Yabui mentioned that there have been instances where folks have had to crawl to their seats due to lack of access. Violet Horvath stated that some of the problems may be due to the lack of time and the rush to board and transfer folks. After discussion, the Board voted to support staff's recommendation to endorse the two (2) proposed bills to our Congressional delegation and relevant committees (M/S/P Aughe/Akamine).

B. Nominating Committee Report – Election of Officers

Bryant Yabui reported that the Nominating Committee did not meet to present a recommended slate of officers. The Board voted to delay elections until the next meeting, with current officers to stay in effect for another meeting (M/S/P Yabui/Anderson-Nitahara).

C. Establishment of a Permitted Interaction Group (PIG) pursuant to Hawaii Revised Statutes §92-2.5 for the purpose of reviewing and interviewing candidates for the position of Executive Director of the Disability and Communication Access Board (DCAB)

Chairperson Bill Bow stated that he inadvertently neglected to complete the Executive Committee Report to discuss the second meeting of the Executive Committee on April 17, 2019, which he overlooked because he was not present at the meeting. The purpose of that meeting segued into this New Business item. He asked Vice Chairperson Monty Anderson-Nitahara to summarize the meeting that he chaired. Monty Anderson-Nitahara reported

that the Committee went into executive closed session on April 17, 2019. The purpose of the closed session was to receive information from the Executive Director of her intent to retire and discuss the most appropriate timing in order to ensure a smooth transition to a new Executive Director without a gap and the need for an Interim Executive Director. No official letter of resignation was submitted, as the date for retirement will depend upon the start date of the new Executive Director. The Committee was advised on the creation of a Permitted Interaction Group (PIG) hence this item is on the agenda under New Business.

Chairperson Bill Bow then stated that the purpose of this agenda item is to establish a PIG pursuant to §92-2.5, Hawaii Revised Statutes (HRS), for the purpose of reviewing and interviewing candidates for the position of Executive Director of the Disability and Communication Access Board.

Francine Wai explained the process of the PIG in more detail and indicated that the guidance on how to conduct the search, interview, and recommendation to hire to the full Board came in consultation with the Office of Information Practices with respect to the Open Meetings or Sunshine Law, Chapter 92, HRS. A PIG may be established by the full Board and, once established, may meet without regard to the Sunshine Law. The PIG shall report its findings to the Board at a second meeting of the full Board, although no action can be taken. The Board must then meet again for a third time to take a vote (i.e., to approve the selection of a person).

The Board voted to establish a PIG with the authority to review and screen applications for the position of Executive Director, interview applicants, conduct appropriate reference checks, and make a recommendation to the Board (M/S/P Anderson-Nitahara/Meighen).

The PIG must consist of less than the number of people required for quorum of the Board, or eight (8) in the case of DCAB. Because the PIG cannot take action on behalf of the Board, the number must be less than quorum. Upon questioning, the PIG can include and consult with staff, although the only appropriate staff would be the Executive Director and the Executive Director will not actually be in the interview process. The PIG members appointed are to include the following individuals: Bill Bow, Nikki Kepo'o, Pauline Aughe, Phyllis Meighen, Marie Kimmey, Rosanna Daniel-Kanetake, and Francine Wai (M/S/P Kepo'o/Yabui).

VII. Open Forum

Guest Peter Fritz announced that the University of Hawaii Law School is having an Access to Justice Forum on June 7, 2019. One session on language access did not seem to include American Sign Language as a language. He will send the information to staff to disseminate to the Board.

Guest Peter Fritz also commented that he recommended that the Board have their lawyer/Deputy Attorney General present for interviews for the Executive Director position to ensure that no discriminatory actions were taken.

VIII. Announcement of Next Meetings

Francine Wai noted that the Board will need to schedule a meeting this summer in addition to the July 18, 2019 meeting which is already scheduled. This is to ensure that we have three (3) meetings of the Board to fulfill the requirements of the PIG for the purpose of hiring the Executive Director position. She was not sure whether this meeting would be before or after the already scheduled July meeting, depending upon the progress of the PIG. However, she was advising the Board to be ready for an extra meeting.

IX. The meeting was adjourned at 1:10 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,



FRANCINE WAI



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DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING May 16, 2019

ADA Coordination Report

Since the last meeting on March 21, 2019, ADA activities of all DCAB staff included:

1. Provided technical assistance (TA) to one hundred twenty (120) callers for March and April 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 Housing Finance and Development Corporation (HHFDC), Health (DOH) – Executive Office on Aging, Land and Natural Resources (DLNR), Transportation (DOT) – Policy Board, University of Hawaii (UH) Hilo, 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
Judiciary	<p>Angry mother called because her son was called for jury duty because he has autism. Claims the son is registered with Hawaii ADA. Is there such an organization? Son answered a pre-summons survey and was qualified to be summoned for jury duty. Can they summon him for jury duty?</p> <p><i>There is no organization that registers people as disabled who cannot be summoned for jury duty. If the son's survey showed he is qualified to be called for jury duty, then he can be summoned and must appear.</i></p>
Executive Office on Aging – Aging and Disability Resource Center (ADRC)	<p>A person with a disability cannot leave their home and needs to get their state identification card renewed. How do they proceed since the City and County of Honolulu is requiring people to renew their REAL ID card in person?</p> <p><i>DCAB working with the State Department of Transportation (DOT) and City and County of Honolulu to resolve the issue. The issue is how do the ADA and REAL ID Act work together. Also consulted with the U.S. Department of Justice for technical assistance. Their technical assistance was to modify policies and procedures. Also, the State Legislature is working on a bill to allow for a non-compliant State ID (no gold star) card to be issued. If passed, the State DOT must develop policies to issue non-compliant REAL ID cards</i></p>

that may not be sufficient for an incapacitated person to have someone else pick up their medication or do banking for them.

City and County of Honolulu	A person with a disability needs a Personal Care Attendant (PCA) in a class. Is the PCA allowed to attend free of charge? <i>PCA is not taking the class and is there to provide a service for the person with a disability. The PCA should not be charged to be there.</i>
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2. Hosted eight (8) webinars related to ADA issues:

- Six (6) webinars sponsored by the National ADA Network on:
 - "Recovery after Disasters and Individuals with Disabilities – What We Know and What We Do Not"
 - "The Americans with Disabilities Act (ADA) and Web Sites: What is Required"
 - "What is a Public Accommodation Under the ADA?"
 - "What's New with WCAG 2.1?"
 - "We All Want Disability Inclusion in Emergency Management – New Research on What is Actually Happening"
 - "Ask the EEOC: Open Questions and Answers"
 - Two (2) webinars sponsored by the U.S. Access Board on:
 - "Accessible Entrances, Doors and Gates"
 - "Differences Between the ADA and ABA Accessibility Standards"
3. Provided technical assistance to the following Departments/agencies on reasonable accommodations for employees with disabilities: DBEDT, Judiciary, and UH-Manoa.
4. Conducted one (1) State ADA Coordinators Orientation presentation and one (1) State ADA Coordinators meeting.
5. Conducted two (2) ADA trainings on: "Basic ADAAG – Session 3" for DCAB on ADAAG Chapters 7 and 8, and "Basic ADAAG – Session 1" for UH-Manoa on the 2010 ADAAG Standards, Chapters 2 - 4.
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.



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DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING May 16, 2019

2019 Legislative Report

The first year of the 30th Legislative Session adjourned on May 2, 2019.

DCAB took positions on seventy-nine (79) bills and twenty-one (21) concurrent resolutions/resolutions. DCAB submitted a total of ninety-one (91) testimonies on measures and Governor's Messages that were heard. If you are interested in other measures, contact Debbie Jackson at 586-8121 or email debbra.jackson@doh.hawaii.gov.

The DCAB bills that were included in the Administrative Package through the Department of Health (DOH) in 2019 both passed. They were:

1. SB 1236, SD2, HD2, CD1 - Relating to Parking for Disabled Persons. Clarifies that the exemption from payment of parking fees is an exception for drivers who are unable to reach or operate a parking meter or unattended pay station because of a physical disability, and who display a disabled paid parking exemption permit. Clarifies that the time limits for the parking fee exemption applies to unattended pay stations as well as meters. Requires, beginning 7/1/2021, that drivers display a paid parking exemption permit to be allowed to park without payment for the first two-and-a-half hours, or the maximum time a meter allows, whichever is longer. Makes the unauthorized act of selling or buying a disability parking permit a misdemeanor. Provides that law enforcement may confiscate a disability parking permit that has been altered or is invalid. Clarifies the types of disabilities that qualify for a disability parking permit.
2. HB 1009, HD1, SD1 - Relating to Movie Theaters. Requires a movie theater to provide at least two showings per week per movie offered with open movie captioning. Removes the option for a movie theater to provide eyewear to fulfill the open movie captioning requirement. Makes the open captioning requirement permanent by repealing the sunset date of Act 39, Session Laws of Hawaii 2015.

Other disability-related bills the Board took positions on and were tracked included:

1. HB 168, SD1 – Relating to the Electronic Transmission of Ballots. Authorizes a voter with special needs, including a disability, to request that a ballot be forwarded by electronic transmission at any time. Was heard in both chambers, and the House agreed with the Senate amendment and the bill has been sent to the Governor for signature.
2. HB 469, HD1, SD1 – Relating to Hearing Aids. Requires health insurance policies and contracts issued after 12/31/19 to provide coverage for the cost of hearing aids

at a minimum of \$1,500 per hearing aid for each hearing-impaired ear every thirty-six months in their base plans. Exempts mandatory health care coverage from impact assessment report. Heard in both the House and Senate. Had Senate conferees appointed, but no House conferees. A conference committee was not convened. Died for this session but can be revived in conference in the 2020 Legislative session.

3. HB 1248, HD1, SD2, CD1 – Relating to Elections. Enacts voting by mail uniformly across all counties for all elections commencing in 2020. Establishes a limited number of voter service centers that would remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services. Allows for additional places of deposit for personal delivery of mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program. Requires the Office of Elections to submit a report to the legislature before the convening of each regular session from 2020 through 2025, regarding the implementation of a vote by mail system. This bill was heard in both chambers, went through conference committee, passed final reading, and has been sent to the Governor for signature.
4. SB 330, SD1, HD1, CD1 – Relating to Earned Income Disregard Program. Requires the Department of Human Services to implement an earned income disregard program as an intermediate step to implementing a Medicaid buy-in program. Requires reports to the legislature. Takes effect upon approval by the Centers for Medicare and Medicaid Services. This bill was heard in both chambers, went through conference committee and passed final reading.
5. SB 335, SD2, HD1, CD1 – Relating to Public Meetings. Requires public meeting notices to include instructions regarding accommodations for persons with disabilities. Requires boards to post a notice in the board's office and to retain a copy of proof of filing the notice with the Lieutenant Governor's office or county clerk's office. Requires the Lieutenant Governor's office or the county clerk's office to timely post paper or electronic copies of all meeting notices in a central location in a public building. Requires an emergency meeting agenda to be filed with the Lieutenant Governor's office or the county clerk's office and posted in the board's office. This bill was heard in both chambers, went through conference committee, and passed final reading.
6. SB 530, SD2, HD1 – Relating to the General Excise Tax. Exempts from the general excise tax gross receipts from the sale of mobility enhancing equipment, hearing aids, prosthetic devices, durable medical equipment, and prescription drugs sold pursuant to a doctor's prescription. Amends the definition of "prosthetic device" to include a replacement, corrective, or supportive device worn on or in the body. This bill was heard in both chambers and died in conference committee. Can be revived in conference committee in the 2020 Legislative session.
7. SB 569, SD2 – Relating to the Hawaii Civil Rights Commission. Includes programs and activities that also receive federal financial assistance within the meaning of programs and activities receiving state financial assistance. Reiterates the legislature's intent of ensuring non-discriminatory access to State financially assisted programs, as it relates to the Hawaii civil rights commission's jurisdiction. Excludes claims cognizable under the Individuals with Disabilities Education Act from the

Hawaii civil rights commission's jurisdiction. This bill crossed over to the House and was referred to committees but had no hearings. Although the bill died in the House, it can be revived for hearings in the House during the 2020 Legislative session.

8. SB 660, HD1, CD1 – Relating to State Identification Cards. Establishes a non-compliant state identification card for individuals that are unable to provide an updated photograph and documentation in person as required by the REAL ID Act of 2005. This bill was heard in both chambers, went through conference committee, and passed final reading.
9. SB 947, SD1, HD1, CD1 – Relating to Families. Prohibits the disability of a parent or caregiver from being the sole factor in determining fitness as a foster parent, adoptive parent, guardian, parent seeking custody or visitation, or provider of a safe family home. This bill was heard in both chambers, went through conference committee, passed final reading, and has been sent to the Governor for signature.

The following resolution was adopted and it includes DCAB on a working group:

- HCR 113, HD1, SD1 – Convening the Multiple Languages Emergency Preparedness Working Group. The purpose of the resolution is to bridge the gap to ensure equal access for residents and visitors in the community especially related to emergency situations, and that language access is available to ensure the safety of everyone in the community during emergencies.



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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING May 16, 2019

TOPIC: Adopting Broad Policy Statements on Public Transit and Paratransit

SUMMARY:

The City and County of Honolulu via its Department of Transportation Services, advisory Rate Commission, and its City Council have been debating adjusting rates for TheBus and TheHandi-Van for the past year. The Board voted to support one of the earliest proposals, which has made it difficult for staff to weigh in on subsequent counter proposals. It is likely that the other counties will take this issue up at some point in the future.

ANALYSIS:

Public transit and paratransit are very important to the disability community. The system must balance equity along with fiscal constraints, logistical constraints, and the ADA on time performance requirements for paratransit. If the Board endorses some general principles, staff will be able to weigh in on various proposals without having to seek Board approval for minor variations.

STAFF RECOMMENDATION:

Staff recommends that DCAB formally adopt the following principles:

- 1) The cost for a single fare ride on paratransit should never be more expensive than the single fare rate on fixed route (the ADA allows for up to double the rate).
- 2) Rates should only be raised annually in small increments to avoid having a large impact on people living on fixed incomes.
- 3) Subsidies should be provided to those who qualify as extremely low income.
- 4) The fixed route rate should be lower for paratransit riders to incentivize their use of the fixed route service.
- 5) Rate increases should be the last method used to decrease demand and to meet on time performance for the paratransit service. Instead, other methods should be explored, such as fleet expansion, taxi subsidy programs, higher fares for paratransit rides that exceed the time or distance requirements under the ADA (within 3/4 corridor of fixed route and same operating hours as fixed route), higher fares for agency trips, and grants for agencies that are willing to purchase vehicles and transport their own clients.
- 6) If a farebox recovery policy is to be established for paratransit, it should not be tied to the farebox recovery policy for fixed route. Fixed route riders have multiple fare options, such as monthly and annual passes, which make comparisons misleading.



DISABILITY AND COMMUNICATION ACCESS BOARD

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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING May 16, 2019

TOPIC: S. 669/H.R. 1549 – Air Carrier Access Amendments Act of 2019

SUMMARY:

S. 669 and its companion H.R. 1549 were introduced to protect the rights of passengers with disabilities in air transportation. Congress recognizes that despite progress, many individuals with disabilities, including veterans, still encounter significant barriers while traveling in air transportation, such as damaged assistive devices; inaccessible aircraft, lavatories, and communication media; delayed assistance; inequitable treatment of service animals; inadequate disability cultural competency; and a lack of suitable seating accommodations.

ANALYSIS:

The bills propose several amendments to the Air Carrier Access Act of 1986 (ACAA) and includes the provisions below.

1. Air carriers may not discriminate directly or through a contractual, licensing, or other arrangement, discriminate in the full and equal enjoyment of air transportation.
2. Air carriers may not deny the opportunity of individuals, on the basis of a disability, to participate in or benefit from the goods, services, facilities, advantages, accommodations, or other opportunities provided by the air carrier.
3. Air carriers may not afford individuals, on the basis of a disability, with the opportunity to participate in or benefit from a good, service, facility, advantage, accommodation, or other opportunity that is not equal to a good, service, facility, advantage, accommodation, or other opportunity afforded to other individuals.
4. Air carriers may not provide individuals, on the basis of disability, with a good, service, facility, privilege, advantage, accommodation, or other opportunity that is different or separate from a good, service, facility, privilege, advantage, accommodation, or other opportunity provided to other individuals.
5. Air carriers may not deny any goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual because of the known disability of another individual with whom the individual is known to have a relationship or association.
6. Air carriers may not impose or apply eligibility criteria that screen out or have the effect of screening out individuals with disabilities from fully enjoying any good, service, facility, privilege, advantage, accommodation, or other opportunity provided by the air carrier, unless the air carrier can demonstrate that such criteria are necessary for the provision of the good, service, facility, privilege, advantage, accommodation, or other opportunity.

7. Air carriers may not directly or through a contractual, licensing, or other arrangement, use standards or criteria or methods of administration that have the effect of discriminating on the basis of disability; or that perpetuate the discrimination of others who are subject to common administrative control.
8. Air carriers may not purchase or lease an aircraft that does not comply with the ACIAA and regulations.
9. Air carriers may not refurbish an aircraft cabin in an aircraft manufactured before the date of the enactment of this Act, or purchase or lease such an aircraft, unless the aircraft, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
10. Air carriers must afford goods, services, facilities, privileges, advantages, accommodations, and other opportunities to an individual with a disability in the most integrated setting appropriate to the needs of the individual.
11. Air carriers must make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford goods, services, facilities, privileges, advantages, accommodations, or other opportunities to individuals with disabilities, unless the air carrier can demonstrate that making such modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, accommodations, or other opportunities.
12. Air carriers must take such measures as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently from other individuals because of the absence of auxiliary aids or services, unless the air carrier can demonstrate that taking such measures would fundamentally alter the nature of a good, service, facility, privilege, advantage, accommodation, or other opportunity being offered; or result in an undue burden to the air carrier.
13. Air carriers must remove architectural barriers to equal access by individuals with disabilities to goods, services, facilities, privileges, advantages, accommodations, or other opportunities provided by the air carrier, and communication barriers to such access that are structural in nature, in facilities of the air carrier (whether owned or leased by the air carrier) that were constructed before or altered after the date of the enactment of this Act, and remove physical and communication barriers to such access in aircraft manufactured before such date of enactment and used by an air carrier for transporting individuals, if the removal of such barriers is readily achievable.
14. The Access Board must set forth minimum standards to ensure that aircraft and related boarding and deplaning equipment, are accessible, in terms of design for, transportation of, and communication to, individuals with disabilities, including individuals who use wheelchairs. The standards must address boarding and deplaning equipment, including ensuring that there is a route accessible for individuals with disabilities; seating accommodations; lavatories; captioning and audio description of in-flight entertainment and captioning of any other aural communication; individual video displays; visually accessible announcements; adequate in-cabin stowage for assistive devices; and proper stowage of assistive devices in the cargo hold to prevent damage.
15. The Access Board must set forth minimum standards to ensure that barriers to the access of individuals with disabilities, including individuals who use wheelchairs, on aircraft, are removed to meet basic accessibility needs of individuals with disabilities to the extent readily achievable. The standards for existing aircraft must apply at a

minimum to stowage of wheelchairs in the cargo hold, captioning and audio description of in-flight entertainment and captioning of any other aural communication, visually accessible announcements, individual video displays, and improved access to seating and lavatories in all aircraft.

16. The Access Board must issue standards that ensure all gates (including counters), ticketing areas, and customer service desks covered under the ACAA at airports are accessible to and usable by all individuals with disabilities, including through the provision of visually accessible announcements and full and equal access to aural communications.
17. The Access Board must set forth minimum standards to ensure that individuals with disabilities are able to access kiosks and websites in a manner that is equally as effective as individuals without disabilities, with a substantially equivalent ease of use.
18. Any person aggrieved by the violation of an air carrier may bring a civil action in an appropriate district court of the United States.

The bills provide many of the same nondiscrimination requirements and protections that are established under the Americans with Disabilities Act (ADA), including a private right of action. Therefore, the bills would make significant improvements for persons with disabilities who travel by air.

STAFF RECOMMENDATION:

Staff recommends that DCAB submit letters of support to the committees considering these bills along with Hawaii's Congressional delegation.

SPIN Report for May 2019

SPIN Conference Report

The April 13, 2019 SPIN Conference “SPIN on Down the Road” was a resounding success with the largest attendance to date—545—and very positive feedback from parents, professionals and vendors alike. SPIN arranged for travel for 70+ Neighbor Island parents through generous donations from the Office of Language Access and SPIN Conference sponsoring agencies. The resource area on the 2nd Floor of the Campus Center featured 64 agencies who provided information and expertise to conference participants. A comprehensive evaluation, including attendance, photos and feedback on the sixteen workshops is near completion and will be posted on the [SPIN conference page](#) along with links to presentation materials.

Ho’omana Autism Support Group

SPIN staff was invited to share expertise with this Department of Education sponsored monthly support group for parents of children with autism in Windward District public schools. The topic requested was alternatives to guardianship as they relate to educational advocacy, health care and fiscal responsibility. Parents learned about Representative Payees, Educational Representatives, Power of Attorneys, and Surrogate Decision Making under the Uniform Healthcare Act as well as joint accounts and ABLE accounts.

Early Language Working Group

Amanda Kaahanui was asked to rejoin this working group which has evolved from the formal working group required by the LEAD-K legislation. Their purpose is to develop more resources for young children who are deaf or hard of hearing to help them acquire early language and to connect their parents to appropriate supports. Staffed by the Children with Special Health Needs Program, the group currently consists of parents, a DOE itinerant teacher of the Deaf, early intervention personnel and other DOH staff. The group is continuing to develop parent resource materials and promote the Deaf Mentor program.