



# 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: January 16, 2020  
Time: 11:00 a.m. to 1:00 p.m.

**TIME LIMITATION ON PUBLIC TESTIMONY/COMMENTS:** Members of the public are allowed up to two (2) minutes to provide testimony or comments per agenda item. An exception may be given for persons who have a communication disability.

- I. Call to Order
- II. Roll Call
- III. Introductions
- IV. Approval of Meeting Minutes of November 21, 2019
- V. Executive Director's Report
  - Fiscal Year 2020 Expenditure Plan
    - Supplemental Budget Request – Update
  - Personnel – Update
  - Other Administrative Issues – Update
- VI. Committee Reports
  - A. Executive Committee
  - B. Legislative Committee
    - Proposed Legislative Position Statements for 2020 Legislature
  - C. Standing Committee on Communication Access
    - Recommended Fee Schedule
    - Hawaii Administrative Rules, Title 11, Chapter 218, "Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind" – Update
    - HQAS Continuing Education Workshops – Update
    - Other Communication Activities from the Plan of Action
  - D. Standing Committee on Facility Access
    - Document Reviews and Database – Update

- Other Facility Activities from the Plan of Action
- E. Standing Committee on Parking
- Parking Program Issuance and Statistics – Update
  - Eligibility and Certification Issues
  - Public Education Quality Assurance and Outreach Efforts – Update
  - Implementation of Act 87 (2019) and Hawaii Administrative Rules Title 11, Chapter 219, “Parking for Persons with Disabilities” – Update
  - Other Parking Activities from the Plan of Action
- F. Special Parent Information Network
- Update of Activities from the Plan of Action
- VII. Old Business
- A. ADA Coordination Update
- VIII. New Business
- A. U.S. Department of Transportation Rule Proposal to Improve Lavatory Access on Single-Aisle Aircraft for Persons with Disabilities (refer to staff summary)
- VIII. Open Forum
- IX. Announcement of Next Meeting
- 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 January 13, 2020. If a response is received after January 13, 2020, 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: January 16, 2020  
Time: 11:00 a.m. to 1:00 p.m.

**PRESENT:** Pauline Aughe, Chairperson; Monty Anderson-Nitahara, Ron Awa, Bill Bow, Rosanna Daniel-Kanetake, Scott Fleming, Dean Georgiev, Nikki Kepo'o, Summer Kozai, Justin Tokioka, Amy Tsuji-Jones, Board Members; Kirby Shaw, Kristine Pagano, Duane Buote, Colin Whited, Bryan Mick, Cindy Omura, Staff

**ABSENT:** Anthony Akamine, Violet Horvath, Gerald Isobe, Marie Kimmey, Phyllis Meighen, Board Members

#### SIGN LANGUAGE

**INTERPRETERS:** Mala Arkin and Carie Sarver

- I. The meeting was called to order by Chairperson Pauline Aughe at 11:01 a.m.
- II. Staff attending this meeting introduced themselves to Board members.
- III. Approval of Meeting Minutes of November 21, 2019

The Board approved the November 21, 2019 meeting minutes as circulated (M/S/P Anderson-Nitahara/Awa).

#### IV. Executive Director's Report

Kirby Shaw reported that the vacant Program and Policy Development Unit Coordinator and the Planner/ADA Coordinator positions were filled. Bryan Mick is the new Program and Policy Development Unit Coordinator, effective January 3, 2020 and Colin Whited is the new Planner/ADA Coordinator, effective January 10, 2020. Staff is in a rebuilding phase and learning information particular to their positions. Filling the two positions from within created two staff vacancies. Board member Nikki Kepo'o asked whether the two new vacancies will be posted. Staff replied that a position vacancy will be posted. Board members congratulated both Bryan Mick and Colin Whited, who were in attendance.

Kristine Pagano reported that she and Kirby Shaw attended a House Finance Committee informational briefing on January 14, 2020 and will be attending the

Senate Ways and Means Committee briefing later that afternoon. She indicated that the half-time Communication Access Specialist position is included in the Executive Budget.

A new camera, purchased by the State Council on Developmental Disabilities was mounted in the conference room to allow videoconferencing.

V. Committee Reports

A. Executive Committee

Board Chairperson Pauline Aughe reported that the Committee has not met since August 1, 2019 and therefore no report was given.

B. Legislative Committee

Committee Chairperson Rosanna Daniel-Kanetake reported that pursuant to the Board's motion at its November 21, 2019 meeting, the Legislative Committee met on December 13, 2019 to discuss proposed legislative position statements on anticipated topics for the 2020 Legislative Session. The Committee reviewed each position statement and asked staff to make revisions for accuracy and clarity. The revised legislative position statements document was emailed to Board members. The Committee asked for Board approval in order to give staff the direction to quickly draft testimony on measures during the 2020 Legislative Session. There may be two bills that may come up at this session, a parking bill that seeks to undo last year's DCAB success in narrowing the eligibility to park without feeding a meter, and a bill that seeks to address a misapplication of the open caption movie law. Colin Whited explained that DCAB received a complaint from the public about the way Regal Theaters is not complying with the open caption movie law; that they are only showing open captioning at two movie houses statewide instead of at all of their movie houses as the law intended. DCAB is working with the Hawaii Civil Rights Commission, which agrees that the intent of the law is to apply to each movie house. The Board approved the legislative position statements which will enable staff to draft testimony quickly and respond to the rapid pace of the legislative session (M/S/P Kepo'o/Bow).

C. Standing Committee on Communication Access

Committee Chairperson Justin Tokioka reported that Committee met once since the last full Board meeting. The Hawaii Administrative Rules (HAR), Title 11, Chapter 218, "Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind" as approved by the Board, was forwarded to the Governor for final approval. Staff is awaiting confirmation from the Administration regarding approval of the rules. Staff began the process of transitioning sign language interpreters to the new Hawaii State Sign Language Interpreter Credential. The Code of Professional Conduct (CPC) video was shown on Maui on November 9, 2019, Big Island on November 23, 2019, and Kauai on December 14, 2019. Interpreters were also given the option of scheduling a time to view the CPC video at the DCAB office or at the Comprehensive Service Center (CSC) on weekdays during their business hours.

He reported that DCAB contracted with the Dendros Group to develop an updated Recommended Fee Schedule to be adopted once the amended communication access rules go into effect. The Recommended Fee Schedule was submitted to the Committee on December 13, 2019. After receiving comments from the public, the Committee voted to approve an Interim Recommended Fee Schedule, which was the Recommended Fee Schedule developed by Dendros except for the Fee Schedule chart. In place of the chart developed by Dendros, the current Recommended Fee Schedule chart will be retained. The information was sent to Board members for their review. The Committee will continue working on the Recommended Fee Schedule chart developed by Dendros and seek Board approval once a version has been agreed upon. A revision was made to the footnote on page 3 to indicate that the rates are subject to change. The Board approved the Interim Recommended Fee Schedule, as amended (M/S/P Tsuji-Jones/Anderson-Nitahara).

He also reported that DCAB funded a workshop offered by Wendell "Wink" Smith, Jr. on December 7, 2019 at Kapiolani Community College. The workshop was on "Depiction in Interpreting" with approximately thirty interpreters in attendance. DCAB received positive feedback from the interpreters who attended the workshop.

D. Standing Committee on Facility Access

Committee member Ron Awa reported that the Committee met prior to the Board meeting. He reported that the Facility Access Unit (FAU) reviewed 295 projects from October 1 to December 31, 2019, of which 143 were new submittals. The FAU collected \$295,024.00 in fees during that period.

He provided an update on the 2020 Disability Access Conference scheduled for June 2, 2020. The Conference will feature two speakers from the U.S. Access Board, and Robert Luna, the President & CEO of Luna Middleman Architects as the keynote speaker. Robert Luna will give a presentation on Morgan's Wonderland and Inspiration Island. Luna Middleman Architects received a 2018 Barrier Free America Award from the Paralyzed Veterans of America for the park design, which was designed specifically for children and adults with disabilities, their families, and friends.

Ron Awa provided an update on the FAU basic training series for fiscal year 2019-2020; Sessions 1 and 2 were completed. Session 3 is scheduled for January 23 and 24, 2020, and Session 4 will be held in March 2020. In addition, a condensed, one day, basic training course will be offered on the outer islands. The trainings are scheduled for Kauai, February 4, 2020; Hilo February 7, 2020; Maui, February 11, 2020; and Kona, March 6, 2020.

He reported that the Committee approved the Interpretive Opinion DCAB 2011-01 Street Parking amendment to address van signage, placement of accessible parallel street parking near midblock crossings, and obstructions on sidewalks adjacent to accessible street parking.

The Committee discussed destination elevator accessibility to look at electronic touchpad controls with no Braille provided next to the buttons. The FAU will contact some disability groups that work with people with visual impairments to get input on this type of elevator control. An interpretive opinion may result once the research is completed.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met prior to the Board meeting. For the second quarter of fiscal year 2019-2020, there were approximately 7,900; 900 temporary and 6,000 long term placards and 462 special license plates issued. Of the long-term placards, about 2,700 were renewals issued by DCAB. The renewal rate was fifty-nine percent.

She reported that a member of the public suggested that temporary parking placards should have a duration longer than six months if a physician or advanced practice registered nurse certifies that the qualifying disability is expected to last for a longer period. The Committee discussed the pros and cons and decided that the maximum period of six months for a temporary placard as currently provided does not need to be changed because a temporary placard may be renewed for subsequent six-month periods.

The Committee discussed three efforts that staff is pursuing under public education/quality assurance/outreach: 1) subscribing to a service such as Constant Contact to inform permittees that their parking placards would soon expire. DCAB has obtained the email addresses of about ten percent of the current permittees. Staff has only been actively collecting email address for the past few years in conjunction with the release of the revised parking application forms, so the percentage will start to rise in 2023 and will be at thirty-five percent by mid 2024; 2) drafting a survey of permittees regarding their experiences in finding and using accessible parking spaces. The hope is this will help the Committee pursue appropriate solutions to challenges permittees encounter. For example, perhaps permittees consistently find a lack of accessible parking spaces in lots of a particular size, and therefore a State requirement for additional stalls beyond ADA requirements could be drafted to apply only to lots that fall into that specific size category; and 3) discussing ways in which residents can report placard misuse to DCAB, so that DCAB can follow-up with education materials for the permittee.

She also reported that staff is preparing the final draft version of HAR, Title 11, Chapter 219, "Parking for Persons with Disabilities" and associated documents for transmittal to the Deputy Attorney General and approval by the Governor to hold public hearings.

For the placard death retrieval effort, 2,496 letters were sent by DCAB to the estates of deceased permittees. To date, 1,299 (52%) placards were retrieved, 135 (5%) were reported as lost or disposed of by the family, and 370 (15%) letters were returned as undeliverable. Staff will perform another crosscheck at the end of this fiscal year so that the majority of returns will occur during next fiscal year and be accurately reflected in the annual report.

F. Special Parent Information Network

Board Chairperson Pauline Aughe read the Special Parent Information Network (SPIN) activities report in the absence of SPIN liaison Phyllis Meighen. The SPIN written report is attached to the minutes.

Board member Nikki Kepo'o commented on the Board of Education meeting, which discussed the staffing and pay differential for special education classroom teachers. For clarification, as it affected charter schools (Hawaiian language schools), not everyone will qualify for the \$10,000. An educational aide will not qualify, but a special education teacher would qualify.

VI. Old Business

A. ADA Coordination Update

No report was provided.

VII. New Business

A. U.S. Department of Transportation Rule Proposal to Improve Lavatory Access on Single-Aisle Aircraft for Persons with Disabilities

Bryan Mick stated the U.S. Department of Transportation (DOT) issued a Notice of Proposed Rulemaking to receive public comment to improve lavatory access for passengers with disabilities on single-aisle aircraft. The rules would apply to single-aisle aircraft with one hundred twenty-five or more passenger seats. The proposed regulation calls for limited improvements to lavatory interiors, enhanced criteria for onboard wheelchairs, and training of flight attendants. The DOT's Advisory Committee on Accessible Air Transportation, which included aviation industry representatives and disability rights advocates, among other stakeholders split its recommendation into tier one proposals that can be implemented in a short time frame, and tier two long term proposals which will be covered in a future Advanced Notice of Proposed Rulemaking. Most important is that the regulation would require lavatories on new aircraft and retrofitted lavatories on existing aircraft to be equipped with grab bars, lower door sills, and accessible door locks, controls, and attendant call buttons. These features are intended to facilitate assisted access for non-ambulatory passengers who can stand and pivot to transfer to the toilet. The regulation would also establish improved performance standards for onboard wheelchairs. The U.S. Access Board proposed voluntary guidelines for onboard wheelchairs to supplement the DOT's performance criteria. The DOT rules would require airlines to train flight attendants on procedures for assisting passengers with disabilities in seating and accessing lavatories. Staff recommended that that the Board send a letter of support for the NPRM while urging the ANPRM proceed in a timely manner and that the ANPRM require fully accessible lavatories on all new or retrofitted single-aisle airplanes over a certain size. The Board approved the staff recommendation to send a letter to DOT urging the ANPRM to proceed in a timely manner and that the ANPRM require fully accessible lavatories on all new or retrofitted single-aisle aircraft (M/S/P Kepo'o/Tsuji-Jones).

VIII. Open Forum

Board member Nikki Kepo'o commented that a member of the public was trying to reintroduce a hearing aid bill (from last year), but modified to have insurance cover a percentage of the cost of the hearing aid up to \$1,500. The individual was trying to amend the bill to be geared more specifically to hearing aids and wanted to get parents involved in the hard of hearing community to support the bill.

Chairperson Pauline Aughe commented that Senator Ruderman will be introducing a Medicaid Buy-in bill. Kirby Shaw said a bill has been introduced and DCAB will be submitting testimony in support of the bill, per our legislative position statements.

Bryan Mick reported that the Outdoor Circle will be asking the Honolulu City Council to adopt a 20 Is Plenty program which limits vehicle speed to twenty miles per hour (mph) in urban areas where there are numerous interactions with vehicles and pedestrians. The program would also include major highways that run through urban areas like Ala Moana Boulevard. The program is part of the Vision Zero concept, which aims to reduce pedestrian fatalities from vehicles to zero and has been implemented in many cities around the world. At thirty mph, only one in two pedestrians survives a collision with a vehicle. This seems to fall in line with DCAB's general principles on mobility and safety of pedestrians with disabilities.

Kirby Shaw provided updated information on the Lanai Voter Service Center from Josiah Nishida, County Clerk, County of Maui. The County was able to secure a facility on Lanai for the voter service center. While they are in the process of trying to find staff for the facility during the election periods, they will be able to provide in-person voter services to the residents on Lanai during the 2020 elections, including for those residents of Lanai with disabilities.

IX. Announcement of Next Meeting

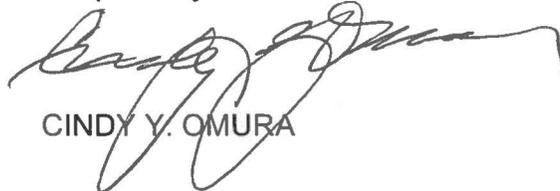
Chairperson Pauline Aughe announced that the next DCAB General meeting is scheduled for March 19, 2020 beginning at 11:00 a.m. in DCAB's conference room.

X. Adjournment

The meeting adjourned at 11:50 a.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,



CINDY Y. OMURA



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### STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING January 16, 2020

TOPIC: U.S. Department of Transportation – Notice of Proposed Rulemaking to Improve Lavatory Access on Single-Aisle Aircraft for Persons with Disabilities

SUMMARY:

The U.S. Department of Transportation (DOT) issued new proposed rules (Notice of Proposed Rulemaking (NPRM)) for public comment to improve restroom access for passengers with disabilities on single-aisle aircraft. The proposed regulation calls for limited improvements to lavatory interiors, enhanced criteria for onboard wheelchairs, and training of flight attendants. It is based on a negotiated rulemaking undertaken by DOT's Advisory Committee on Accessible Air Transportation, which included aviation industry representatives and disability rights advocates, among other stakeholders. This Committee split its recommendation into tier one proposals that can be implemented in a short time frame, and tier two long term proposals which shall be covered in a future Advanced Notice of Proposed Rule Making (ANPRM).

ANALYSIS:

The proposed rules represent consensus provisions for first tier improvements to enhance the usability of lavatories on new single-aisle aircraft with one hundred twenty five (125) or more passenger seats. Current DOT regulations under the Air Carrier Access Act require an accessible lavatory on twin-aisle aircraft but not on single-aisle aircraft. However, DOT seeks to improve lavatory access on single-aisle aircraft, which are increasingly used on long-haul flights.

The regulation would require lavatories on new aircraft and retrofitted lavatories on existing aircraft to be equipped with grab bars, lower door sills, and accessible door locks, controls, and attendant call buttons. These features are intended to facilitate assisted access for non-ambulatory passengers who can stand and pivot to transfer to the toilet. They also would permit access to the lavatory for privacy in performing non-toileting tasks related to personal hygiene or medical needs. The rule would not require lavatories to be enlarged beyond their existing footprint.

In addition, the regulation would establish improved performance standards for onboard wheelchairs, which are used to transport non-ambulatory passengers to lavatories from their seats. Under the regulation, the onboard wheelchairs would need to align with the height of airline seats for easier transfer and have wheel locks and other features for safety and stability. The chair would allow entry in a forward manner for passengers who can perform a stand-and-pivot transfer. The rule also would require the chair to be capable of completely entering the lavatory in a backward orientation and fitting over the closed toilet lid so that the door can be closed for privacy in performing non-toileting functions.

In August, the U.S. Access Board proposed voluntary guidelines for onboard wheelchairs to supplement DOT's performance criteria. These proposed guidelines, which contain non-binding technical specifications for the dimensions, features, and capabilities of onboard wheelchairs, would provide air carriers and onboard wheelchair manufacturers with an example as to how DOT's performance criteria could be met. The Board is currently finalizing these guidelines based on the public comments it received.

DOT's rules would also require airlines to train flight attendants on procedures for assisting passengers with disabilities in accessing lavatories. In addition, airlines would be required to provide information on the accessibility features of aircraft lavatories on their websites and upon request.

The proposals in the NPRM would increase the accessibility of lavatories and onboard wheelchairs on single aisle airplanes which are built or retrofitted in the near future.

STAFF RECOMMENDATION:

DCAB should submit a letter in support of the NPRM while urging the ANPRM proceed in a timely manner and that the ANPRM require fully accessible lavatories on all new or retrofitted single aisle airplanes over a certain size.

## **SPIN Report for January 2020**

### **Deaf and Hard of Hearing Workgroup**

Amanda Kaahanui was one of two parents who attended the Department of Education's (DOE) newly formed Deaf and Hard of Hearing Workgroup on January 14<sup>th</sup>. The purpose of the group is to gather stakeholder input to support the success of deaf and hard of hearing students. The DOE perceives the workgroup as a potential platform to extend their network

### **DOE Staffing Allocation and Budget Briefings**

The Special Education Advisory Committee (SEAC) received two briefings from DOE's Chief Financial Officer, Brian Hallett. The first was regarding a new staffing allocation methodology which aims to create more accountability and equity through collaborative decision making. Rather than giving teacher and educational assistant positions to complex areas to divide among schools, money will be given directly to school principals based on the number of special education students under their supervision. The funds can be used flexibly to buy positions as needed. The second briefing by Mr. Hallett was on the Department's budget proposal which includes a \$10,000 pay differential for special education classroom teachers. Both the Governor and SEAC support the proposal as a means to improve qualified staffing for special education.

### **DDD Talk Story Session**

Susan Rocco was part of a small group of family and self-advocates invited to share their perspectives of the Developmental Disabilities Division's (DDD) service system at a December 11<sup>th</sup> summit. The family members and self-advocates dialogued with DDD staff and leadership to brainstorm different ways in which DDD can improve services, including the DD Waiver, while at the same time engaging families and self-advocates in moving the system forward.