

Disability and Communication Access Board ANNUAL REPORT FY 2019-2020

OVERVIEW

The Disability and Communication Access Board (DCAB) is a statewide, Governor-appointed, 17-member Board whose mission is to advocate and promote the full integration, independence, equal access, and quality of life for persons with disabilities in society.

This Report highlights key accomplishments for fiscal year 2019-2020.

DCAB BOARD Members:

- Pauline Aughe, Chairperson
- Nikki Kepo'o, Vice Chairperson
- Anthony Akamine
- Monty Anderson-Nitahara
- Ronald Awa
- William Bow
- Rosanna Daniel-Kanetake
- Scott Fleming
- Dean Georgiev
- Violet Horvath
- Gerald Isobe
- Marie Kimmey
- Summer Kozai
- Phyllis Meighen
- Justin "Pono" Tokioka
- Amy Tsuji-Jones
- Bryant Yabui (to 9/19/19)

DCAB Staff:

- FRANCINE WAI, Executive Director (to 10/31/19)
- KIRBY L. SHAW, Executive Director (effective 11/1/19)
- Administration: Kristine Pagano, Cindy Omura, Rene Clymer
- Planning and ADA Coordination: Debbra Jackson (to 10/31/19), Colin Whited (effective 1/10/20)
- Program and Policy Development Unit: Kirby Shaw (to 10/31/19), Bryan Mick, Colin Whited (to 1/9/20), Romala Radcliffe (effective 2/3/20), Kamaile Hopfe, Geraldine Kealoha, Sean Shinshiro
- Facility Access Unit: Duane Buote, Eric Isidro, Rodney Kanno, David Poe, Alan Tarumoto, Glenn Arakaki, Laurie Palenske, Mylynne Simon
- Special Parent Information Network: Susan Rocco, Amanda Kaahanui

The Department of Health (DOH) recognized the following people in their Annual Incentive Awards Program:

- Francine Wai, DOH Manager of the Year Award
- Facility Access Unit, DOH Team of the Year Award
- Cindy Omura, Employee of the Year Nominee

Major accomplishments in the area of CIVIL RIGHTS & JUSTICE:

DCAB is the primary resource for ADA compliance in State government and serves as a systems advocate for civil rights of persons with disabilities.

AMERICANS WITH DISABILITIES ACT (ADA) COORDINATION

- As the State's Executive Branch Americans with Disabilities Act (ADA) Coordinator, staffed one (1) ADA Coordinators meeting and one (1) ADA Coordinators Orientation meeting. Attended three (3) County ADA Coordinators meetings.
- Provided technical assistance to 348 requests on the ADA (excluding design, employment, and SPIN included in other parts of this report).
- Conducted trainings on Title II of the ADA for the Judiciary's Juvenile Detention Center (2x), for the Department of Land and Natural Resources, and for the Department of Human Services.
- Coordinated five (5) workshops with the Office of Enterprise Services and the University of Hawaii Center on Disability Studies on the Digital Content Accessibility Series. Each of the five (5) workshops was offered twice via Zoom for remote participation.
- Provided guidance to the Legislature and the Executive Branch to make video programmed hearings and press conferences on COVID-19 accessible.
- Provided testimony on bills to give the Hawaii Civil Rights Commission (HCRC) jurisdiction over disability discrimination complaints against the State and local government; to clarify medical documentation on assistance animals; video-streaming of live testimony at the Legislature; accessible websites; and voting by mail. None of the legislation passed, in part due to an aborted Legislative session.
- Assisted the Department of Human Services prepare a report on Senate Resolution 8 (2019) regarding misrepresentation of service animals in public accommodations. Developed two (2) flyers: *Service Animals in Public Accommodations and State/Local Government* and *Assistance Animals in Residential Settings* and a pocket-sized card on the former, and posted on the DCAB website.
- Coordinated with the Office of Information Practices to include recommended language on the State agendas to request an auxiliary aid or service, per Act 244 (2019).
- Provided technical assistance to ensure that the transition to vote-by-mail includes considerations to ensure equal access for persons with disabilities.

Major accomplishments in the area of FACILITY ACCESS:

DCAB is responsible to review plans and specifications for the construction of State and County buildings, facilities and site to ensure facility access.

DOCUMENT (BLUEPRINT) REVIEW PROCESS

- Conducted 1,443 State and County document reviews as required under §103-50, Hawaii Revised Statutes (HRS); 676 were new, first time submittals and 767 were resubmittals.
- Of the 676 new submittals, most projects were for schools, and streets/sidewalks/malls.
- Provided letters to discuss or review preliminary plans for potential projects:
 - Aloha Stadium Redevelopment Plan
 - Department of Education Job Order Contracting
 - University of Hawaii Maui College Emergency Housing
 - Waikiki Beach Pavilions
 - Sea Life Park Improvements
 - Affordable Rental Housing for Abused Persons
 - Affordable Rental Housing sold by Hawaii Housing Finance and Development Corporation
- Sent out 44 letters to projects that had not been submitted; received 40 replies; 25 projects were submitted for review required under §103-50, HRS.
- Due to the COVID-19 stay at home order, reviews were transitioned to remote work. This was facilitated by the ability to receive plans and payments electronically with the DCAB online system of submittals.

TECHNICAL ASSISTANCE, OUTREACH AND PUBLIC EDUCATION TO THE DESIGN COMMUNITY

- The 2020 Disability Access Conference scheduled for June 2, 2020 was cancelled due to issues related to the coronavirus pandemic.
- Prepared seventeen (17) Access E-Bulletins on DCAB activities as well as updates on accessible design. The current distribution is to 850 individuals, primarily in the design community.
- Coordinated and presented eleven (11) training workshops on Basic ADA Design Guidelines intended to prepare individuals with limited knowledge of accessibility requirements to prepare them for sessions on advanced topics. In an effort to broaden our outreach beyond Oahu, four (4) of the trainings were on the neighbor islands.
- Responded to 399 requests for technical information from design professionals on design guidelines under the Americans with Disabilities Act Accessibility Guidelines (ADAAG), Fair Housing Act Accessibility Guidelines, and other relevant design codes, not in connection with an §103-50 HRS document review.

POLICY GUIDANCE AND CODE ANALYSIS

- Submitted testimony to the State Legislature on Senate Bill 2080 - Relating to State Buildings. DCAB also submitted testimony supporting installation of emergency

evacuation chairs in State buildings, but opposed inclusion of DCAB as an entity to provide training and informational material.

- Submitted testimony to the State Legislature on Senate Bill 3103 - Relating to a School Facilities Agency. DCAB also submitted testimony in opposition of this bill due to a provision that provided an exemption of Chapter 103 which included DCAB's plan review process located in §103-50, HRS. After the exemption was removed from the bill, DCAB submitted testimony in support of the bill.
- Reviewed the proposed adoption of the International Building Code (IBC) 2012 Edition for the City and County of Honolulu, with regard to Chapter 11 accessibility section. The proposal is consistent with the adoption of previous versions.

A separate report on the implementation of §103-50, Hawaii Revised Statutes, is available. The report provides information on the projects reviewed by the overseeing State or County department/agencies as well as by the type of projects.

Major accomplishments in the area of COMMUNICATION ACCESS:

DCAB tests and credentials American Sign Language (ASL) interpreters, establishes rules for the use of communication access through the provision of auxiliary aids and services.

ADMINISTRATION OF THE HAWAII QUALITY ASSURANCE SYSTEM (HQAS) AND CONTINUING EDUCATION UNIT (CEU) PROGRAM FOR SIGN LANGUAGE INTERPRETERS

- Issued six (6) HQAS credentials that were either new or at a higher level. Updated, maintained, and monitored the HQAS interpreters CEU status; currently there are thirty-one (31) interpreters enrolled in the CEU Program. No interpreters are on extension.
- Hosted and/or coordinated three (3) CEU workshops for sign language interpreters.
- *Working with Individuals who are Limited English Proficient with speakers Corina Gutierrez and Yoshiko Chino*
- *Power, Privilege, and Oppression with speakers Naomi Sheneman and Octavian Robinson*
- *Depiction in Interpreting with speaker Wink Smith, Jr.*
- Produced a video on the Code of Professional Conduct for sign language interpreters.
- Conducted outreach efforts for interpreters' transition to the Hawaii State Sign Language Interpreter Credential (HSSLIC); a total of forty (40) interpreters are currently slated to obtain the HSSLIC.
- Completed public hearings on amendments to Hawaii Administrative Rules (HAR) Title II, Chapter 218 on August 15, 2019. The major changes were: improvements to the HQAS test process; separation of the issuance of a state credential from the issuance of a certification via the test; and changes to ensure the rights of consumers to effective communication. The Board approved the changes on September 19, 2019, and submitted a letter to the Governor requesting approval of the rules on December 11, 2019.

- Completed a final draft of the updated Recommended Fee Schedule and a preliminary draft of the manual for hiring providers of communication access services. These documents will take effect once the amended HAR 11-218 rules are approved by the Governor.
- Maintained a registry of current communication access providers and their credentials, and posted monthly updates to the registry on the DCAB website.

TECHNICAL ASSISTANCE AND OUTREACH

- Hosted a Communication Access Conference on July 31, 2019 with 188 attendees with topics on the rights of individuals with communication access needs, and was funded through a Memorandum of Agreement with the State Office of Language Access. The Conference was also geared towards State and County government, and private sector entities (Titles II and III of the ADA). The requirement to provide effective communication to individuals with communication access needs, the following speakers and presentation topics were featured:
 - Hansel Bauman – *In the Signing Space: Deaf Experiences, Communication + Architecture*
 - Corina Gutierrez and Yoshiko Chino – *Working with Limited English Proficient Persons who are Deaf, Deaf Blind, or Hard of Hearing*
 - Richard Ray – *Emergency Services Through Deaf Eyes*
 - Two (2) panels that provided perspectives from professionals and community members who are deaf, and deaf and blind. Sign language interpreters who attended the Conference were able to earn CEUs.
- Provided a training to the Hawaii Civil Rights Commission staff on *Communication Access and Effective Communication*.
- Finalized production of American Sign Language videos developed in collaboration with the Hawaii Civil Rights Commission (HCRC). Two (2) videos focused on individual rights and the process of filing a complaint with the HCRC. Three (3) videos focused on discrimination in employment, housing, and communication access.
- Posted guidelines entitled, *Video Remote Interpreting (VRI) Guidelines for Health Care* on the DCAB website.
- Provided technical assistance to individuals and State and County government entities about the right to effective communication in various settings, including healthcare and social services. Most technical assistance requests were related to the provision of sign language interpreters and accessible websites.

Major accomplishments in the area of PARKING:

DCAB administers the statewide parking program for persons with mobility disabilities under Federal and State law.

ISSUANCE OF PERMITS (PLACARDS AND LICENSE PLATES)

- Procured supplies and dispersed as needed to the County issuing agencies. Procured 89,000 decals and 60,000 placards, 30,000 ID cards, and 10,000 application forms.
- DCAB and the Counties issued 27,400 placards, of which 21,036 were long term and 6,364 were temporary. In addition, 858 license plates were issued. At the conclusion of FY 20, 101,443 people possessed a valid, non-expired permit.
- The Counties were reimbursed \$93,456 and collected \$102,984 for issuance of first time, temporary, and replacement placards. The Counties collected \$196,440 for their efforts.
- Administered the in-house renewals by mail program. Issued 10,612 long term placards to qualified persons with disabilities. Voided 6,967 placards returned upon renewal out of 10,612 renewed placards for a rate of 65%.
- DCAB did not send letters to the estates of deceased permittees requesting the return of the decedents placards, but 465 placards were surrendered voluntarily without a letter. However, 211 placards were returned in response to death retrieval letters sent the prior fiscal year.
- Retrieved 3,422 placards from other sources (confiscation, replacement, lost/found) and voided them upon retrieval.

ADMINISTRATIVE RULES AND LEGISLATION

- Drafted amendments to Hawaii Administrative Rules (HAR) Title 11, Chapter 219 in anticipation of holding public hearings in FY 21. The proposed changes are necessary to implement changes made in Act 87 (2019), which among other changes to the parking program, restricts the parking fee exemption to permittees who are licensed drivers and unable to reach or operate a parking meter or pay station due to a disability. The implementation of the rules is scheduled for July 1, 2021.
- Testified in opposition to Senate Bill 2341. This bill would have expanded eligibility criteria for a permit to those whose disability does not impair their ability to walk but who have difficulty entering and exiting a vehicle.
- A bill introduced at the State Legislature to require additional accessible parking spaces at places of public accommodations did not pass. However, in order to inform future discussions, DCAB drafted a survey of permittees to determine where and when permittees frequently encounter a lack of accessible parking spaces. The launch was delayed due to the COVID-19 pandemic.
- Completed a Legislative history of the disabled person parking program since its inception.

RESPONSE TO COVID-19 IN THE PARKING PROGRAM

- On March 25, 2020, Governor Ige issued a stay at home order. DCAB transitioned to a skeleton staff that was able to continue responding to public inquiries and processing applications, and issuing long term permit renewals.
- DCAB also worked with the Counties to transition their normal in person transaction process to by mail only.
- In recognition of public confusion and the difficulty residents were having in scheduling appointments with their physicians or Advanced Practice Registered Nurses (APRNs), DCAB requested that the Governor suspend the expiration dates

on parking permits. The Governor suspended the expiration dates for long term (blue) placards on March 16, 2020, for special license plates on April 16, 2020, and for temporary placards on April 25, 2020. The suspensions remained in effect through the end of the fiscal year.

PUBLIC EDUCATION

- Created a beta version of a webpage that will allow the public to report parking permit abuse such as parking in the access aisle or displaying an expired permit. This would allow DCAB to contact the permittee with educational material. The launch was delayed due to the COVID-19 pandemic.
- Discontinued our Parking Locator App in favor of other public educational efforts.

A separate report on the Parking Program for Persons with Disabilities Annual Accomplishments is available.

Major accomplishments in the area of EMERGENCY

PREPAREDNESS:

DCAB provides technical assistance to emergency managers, first responders, and planners about individuals with disabilities, and others with access and functional needs during a natural or man-made disaster.

EMERGENCY PREPAREDNESS

- Collaborated with the Department of Health (DOH) Alternate Care Sites planning efforts, including the development of a tabletop exercise.
- Participated in the Partnership for Inclusive Disaster Strategies teleconference calls and reported on the status of local emergencies.
- Attended meetings of the Hawaii Emergency Preparedness Executive Consortium and the DOH Emergency Preparedness Committee to ensure planning efforts include people with disabilities and others with access and functional needs.
- Facilitated a meeting with Richard Ray, Technology Access Coordinator, Department of Disability Services, City of Los Angeles, with emergency managers from the Hawaii Emergency Management Agency and County emergency management agencies to understand communication access needs that deaf, hard of hearing, and deaf-blind people experience during an emergency or disaster.
- Monitored and provided testimony on the federal Disaster Relief Medicaid Assistance Act and the Real Emergency Access for Aging and Disability Inclusion for Disasters Act.

PUBLIC EDUCATION

- Conducted public education with consumer educators by staffing four (4) exhibit booths for DCAB in conjunction with the Feeling Safe, Being Safe project to educate the public about what people with disabilities need before, during, and after an emergency or disaster. Four (4) exhibits were held in Nanakuli, Pearlridge, Ewa Beach, and Manoa.

- Published six (6) issues of the Emergency Preparedness E-Newsletter.

Major accomplishments in the area of TRANSPORTATION & TRAVEL:

DCAB promotes equal access to transportation services to secure and maintain employment and utilize community resources.

ACCESSIBLE GROUND TRANSPORTATION

- Monitored and provided testimony on proposed increases in the Handi-Van paratransit per trip fare and proposed a low-income fare. Attended meetings of the Honolulu Rate Commission and offered testimony/comments. Advocated for the implementation of a pilot taxi subsidy program by the City and County of Honolulu.
- Monitored and provided testimony on Honolulu City Council Bill 56 on a pilot project to provide subsidized bus passes to high school students.
- Submitted testimony to the Kauai County Council on proposed changes to its paratransit system.
- Developed a position paper on the mobility and safety of pedestrians with disabilities. Advocated at the State Legislature for several bills that would improve pedestrian safety.

TRANSPORTATION AND AIR TRAVEL

- Updated the *Molokai Travelers Tips* on the DCAB website.
- Provided comments to the U.S. Department of Transportation on its proposed rules to improve the accessibility of lavatories on airplanes and advocated for fully accessible lavatories on single aisle aircraft with 125 or more passenger seats.
- Provided comments to the U.S. Access Board concerning its advisory for onboard wheelchairs pursuant to the Air Carrier Access Act. DCAB commented that since these wheelchairs would allow for non-toileting tasks, they would serve as an impediment to the adoption of regulations requiring fully accessible lavatories.

Major accomplishments in the area of EDUCATION & TRAINING:

DCAB partners with the Department of Education (DOE) to provide support and information to parents of students with disabilities.

SPECIAL PARENT INFORMATION NETWORK (SPIN) - PARENT ACCESS TO INFORMATION ON EDUCATIONAL RIGHTS

- Fielded 925 phone calls and emails (an average of 77/month) from individuals requesting information, support, and technical assistance, and from agency personnel requesting assistance in disseminating information about community events to families with children with disabilities. Generated 'e-blasts' of upcoming events for approximately 500 individuals.
- Prepared and distributed five (5) *SPIN News* for parents of children with disabilities-- four 8-page quarterly editions and one 4-page special edition on resilience.

- Developed over one dozen stand-alone infographics, many of which were included in the newsletter issues.
- Maintained the SPIN website with updated information for parents of students with disabilities, helping professionals and the community. Created a COVID-19 resource page that is updated three to four times per week.
- Regularly posted events and resources on SPIN's Facebook page drawing over 723 "likes" and an average of 796 readers per month.
- Collaborated with the Hawaii Department of Education on an infographic to help prepare parents to participate in virtual Individualized Education Program (IEP) meetings.
- Postponed the 34th Annual SPIN Conference, originally scheduled for April 18, 2020, due to social distancing requirements necessitated by the pandemic. Tentatively rescheduled the Conference in virtual format for mid-October.

SPECIAL EDUCATION ADVISORY COUNCIL (SEAC) SUPPORT

- Drafted an annual report to the Department of Education Superintendent with recommendations and a four (4) page data infographic featuring promising trends in student data as well as student data targets that have not been met.
- Provided logistical support to SEAC's twenty-six (26) members and Departmental liaisons.
- Researched and drafted testimonies to the Board of Education regarding graduation waivers, CARES Act funding priorities, the unmet need of students with disabilities during school closures and priorities for the reopening of the 2020-2021 school year.
- Drafted an infographic and letter for the U.S. Department of Education urging no new waivers under the Individuals with Disabilities Education Act in response to the COVID-19 pandemic.
- Met with the Chairs of the House and Senate Education Committees to request an exemption from the Applied Behavior Analysis licensure statute for special education teachers with advanced training in behavior analysis.

ADVOCACY AND TRAINING FOR COMMUNITY SUPPORT SERVICES

- Coordinated with Hawaii Department of Education and community agencies to put on the *Footsteps to Transition Fair*. Provided presentations on summer learning activities, alternatives to guardianship, inclusive education, and partnering with parents in the IEP process.
- Served as representatives of children and families on the Jobs Now Partnership Executive Council, the Evidence-Based Services Committee, the Early Language Work Group, and the Newborn Hearing Advisory Council and at the Domain Driven Design Talk Story Session.
- Provided parent professional partnership tips to nursing students at Kapiolani Community College on effective ways to serve medically fragile children and their families.

Major accomplishments in the area of COMMUNITY LIVING & EMPLOYMENT:

DCAB advocates for programs that promote full integration in the community and nondiscriminatory employment facilities.

COMMUNITY LIVING

- Participated on the Deaf and Hard of Hearing Advisory Board and the Hawaii Family Caregiver Coalition to provide input on securing quality services for persons with disabilities.
- Through SPIN, served on the following committees: Child and Adolescent Mental Health Division's Evidence Based Committee, Newborn Hearing Advisory Program, Jobs Now Partnership Advisory Council.
- Adopted a set of Legislative position statements to be used in the submission of testimonies. Testified in support of a bill to increase funding for hearing aids, although the bill did not pass.
- Sponsored the publication of the *Aging and Disability Legislative Digest* spearheaded by the Hawaii Family Caregiver Coalition. The Digest is posted on the DCAB website.

EMPLOYMENT

- Provided technical assistance on thirteen (13) complex reasonable accommodation requests in government (Department of Accounting and General Services, Department of Education (4x), Department of Human Resources Development, Department of Human Services (2x), Hawaii State Public Library System (2x), the Judiciary, and the County of Maui).
- Developed an interagency agreement with Department of Human Resources Development (DHRD) as to the respective roles and protocols of the DCAB and DHRD when accommodations are requested by employees with disabilities in the Executive Branch.
- Began the review of a new state manual for State Reasonable Accommodation (RA) Coordinators in the Executive Branch of government being developed by DHRD. Simultaneously began the revision of the DCAB Manual on Reasonable Accommodation to be a technical resource manual on accommodating individuals with disabilities.

OTHER PROGRAM ISSUES & ADMINISTRATION

OTHER PROGRAM ISSUES

- Made 108 website changes, including posting meeting agendas and minutes. Significant changes were (1) COVID- 19 related information, including changes to disabled person parking permit information; (2) to submit document reviews electronically; (3) proposed Hawaii Administrative Rules relating to communication access; (4) a new page on service and assistance animals, a pocket-size card and downloadable flyers with information on such animals; (5) DCAB's *Guiding Principles on Public Transit and Paratransit, Guiding Principles on the Mobility and Safety of*

Pedestrians with Disabilities; (6) DCAB's Legislative position statements; and (7) vlogs (visual blogs) on communication access.

ADMINISTRATION

- Hired a new Executive Director effective November 1, 2019 after the retirement of the prior incumbent after 41 years of state service.
- Hired a new Coordinator for the Program and Policy Development Unit (internal), ADA Coordinator (internal), and Program Specialist. Simultaneously provided office orientation sheets for all staff positions as new positions were filled.
- Due to the unexpected COVID-19 pandemic, implemented the following administrative actions: purchased new equipment and office partitions to facilitate telework for staff and social distancing when working in the office; altered work hours and minimum staffing; policies and procedures for sanitizing the workplace and ensuring that staff or visitors are protected upon entering the office, with the use of purchased sanitizers, gloves, and no-contact thermometers. Implemented stay at home and telework procedures, and schedules for reduced office hours.
- Implemented and maintained centralized records management systems for inventory, records retention, procurement procedures, Uniform Information Practices Act forms, including online purchase orders.
- Prepared a Legislative history of DCAB and its predecessor agencies, the Commission on Persons with Disabilities, the State Coordinating Council on Deafness, and the Architectural Access Committee.

David Y. Ige, Governor

Bruce S. Anderson, Ph.D., Director, Department of Health

Kirby L. Shaw, Executive Director, Disability and Communication Access Board

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NONDISCRIMINATION STATEMENT: We provide access to our activities without regard to race, color, national origin (including language), age, sex, religion, or disability. If you have a concern, write or call the Disability and Communication Access Board or the Department of Health Affirmative Action Officer at P.O. Box 3378, Honolulu, HI 96801-3378, or call 586-4614 (v/tty) within 180 days of a problem.