



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: Virtual Location Via Zoom

Date: May 20, 2021

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

To join by PC or mobile device, click on the link below or copy and paste it into your browser window:

<https://zoom.us/j/97829299310?pwd=emZsK3hLRHkyTHVuUVYycjFIMFVZdz09>

and enter Meeting ID: 978 2929 9310

Passcode: dcab

To join by phone, dial 1 669 900 6833 and enter Meeting ID 978 2929 9310

To join by Relay Conference Captioning, click on the link below:

<https://www.captionedtext.com/client/event.aspx?EventID=4795163&CustomerID=928>

Testimony or comments presented by members of the public during Board meetings shall be limited to three minutes per agenda item. In compliance with the Americans with Disabilities Act, reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Board meeting agendas.

Members of the public may present comment or testimony during Board meetings on each agenda item. Public comment or testimony, if any, shall be presented on each agenda item before the Board deliberates on the item. After all public comment or testimony is presented, the Board shall deliberate on the agenda item without further comment or testimony from the public unless further public comment or testimony is requested by the Board.

- I. Call to Order
- II. Roll Call
- III. Introductions
- IV. Approval of Meeting Minutes of January 21, 2021 and March 18, 2021

- V. Executive Director's Report
 - Budget
 - Personnel

- VI. Committee Reports
 - A. Executive Committee (No Report)

 - B. Legislative Committee
 - Legislation - Update

 - C. Standing Committee on Communication Access (No Report)

 - D. Standing Committee on Facility Access
 - Document Reviews and Database – Update
 - Disability Access Conference
 - Other Facility Activities from the Plan of Action

 - E. Standing Committee on Parking
 - Parking Program Issuance and Statistics – Update
 - 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

 - B. United Nations Convention on the Rights of Persons with Disabilities - Update

- VIII. New Business
 - A. Plan of Action for Fiscal Year 2022

 - B. Election of Officers for Fiscal Year 2022

- IX. Open Forum

- X. Announcement of Next Meeting

- XI. 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 17, 2021. If a response is received after May 17, 2021, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Video Remote Interpreting and Relay Conference Captioning will be provided.

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: Virtual Location Via Zoom

Date: May 20, 2021

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

PRESENT: Pauline Aughe, Chairperson; Anthony Akamine, Ron Awa, Rosanna Daniel-Kanetake, Scott Fleming, Dean Georgiev, Violet Horvath, Gerald Isobe, Nikki Kepo'o, Marie Kimmey, Summer Kozai, Michael Nojima, Gerald Ohta, Board Members; Kirby Shaw, Kristine Pagano, Susan Rocco, Duane Buote, Bryan Mick, Colin Whited, Romala Sue Radcliffe, Kamaile Hopfe, Cindy Omura, Staff

ABSENT: Phyllis Meighen, Justin Tokioka, Amy Tsuji-Jones, Board Members

GUESTS: Andrea Armitage, Deputy Attorney General, Department of the Attorney General; Peter Fritz; Donald Sakamoto, Citizens for a Fair ADA Ride

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

- I. Chairperson Pauline Aughe called the meeting to order at 11:03 a.m.
- II. Roll was called and Board members, staff, and guests introduced themselves.
- III. The minutes of the January 21, 2021 meeting were approved as circulated (M/S/P Kepo'o/Kimmey). The minutes of the March 18, 2021 were approved as circulated (M/S/P Horvath/Kimmey; Abstain: Aughe).

IV. Executive Director's Report

Kirby Shaw reported on three bills (HB 200, HB 1298, and HB 1299) which would affect DCAB's budget for next fiscal year and are awaiting Governor Ige's signature. House Bill 200 is the biennium budget bill which would fund DCAB's operating costs for the next two fiscal years. House Bill 1298 transfers the excess balances of various non-general (special) funds to the general fund. The Legislature identified \$1 million in DCAB's special fund that it deemed as excess of the amount of funds required. House Bill 1299 which repeals various non-general (special) funds and transfers unencumbered balances to the credit of the general fund. DCAB's special fund was targeted but was removed by the Legislature.

Due to staff's frugality in spending, DCAB will be able to conduct workshops for sign language interpreters and deaf and hard of hearing consumers.

Kristine Pagano reported staff is in the process of conducting interviews for the DCAB Office Assistant position. Staff anticipates hiring for the position prior to July 1, 2021.

Board member Nikki Kepo'o was concerned that DCAB would lose additional monies as the year progresses. She inquired if there was possibly of a part time or seasonal position as DCAB doesn't have a Communication Access Specialist; and with COVID she's not sure how we are reaching out to the deaf and hard of hearing community. Kristine Pagano said right now there are no funds for this year for the Communication Access Specialist and explained the process of the request to fill the position. Board member Nikki Kepo'o said if we can consider how the funds are appropriated and what we can ask for in the next legislative session.

V. Committee Reports

A. Executive Committee

The Committee did not meet, and no report was given.

B. Legislative Committee

Committee Chairperson Rosanna Daniel-Kanetake reported that the Committee met twice during the 2021 Legislative session. Staff testified on measures in accordance with the positions taken by the Committee and the DCAB Legislative Position Statements. Weekly meetings were not required, which was especially valuable because of the shortened legislative session. A total of one hundred and thirty two measures were tracked. She referred Board members to the summary of the measures that DCAB testified on during this session which was included in the meeting packet.

Colin Whited mentioned there was a cap on the number of bills each House of Representatives member could introduce. Two hundred seventy bills were forwarded to the Governor for signature. Measures that DCAB provided testimony, were highlighted: SB 538, SB 1034, SB 548, SB 793, HB 941, HR 97/SR 74, and HB 601.

The DCAB parking bill which would increase the annual motor vehicle registration by \$1.00 and fund the parking program, did not pass this session. There are three versions of this measure, all of which will carry over to next legislative session.

Three Board members, Nikki Kepo'o, Marie Kimmey, and Summer Kozai were reappointed to serve another term on the Board.

Guest Peter Fritz noted that SB 1034 did not pass in its original form, and the time for a break was reduced to thirty minutes which minimizes the possibility that someone might lose their accommodation for an interpreter.

C. Standing Committee on Communication Access

The Committee did not meet, and no report was given. Kirby Shaw informed Board members that the Committee has scheduled a meeting on May 21, 2021.

D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Committee met on May 13, 2021. She informed Board members that the Facility Access Unit (FAU) reviewed one hundred three projects from April 1 to May 11, 2021 of which seventy three were new submittals. The FAU collected \$116,001 in fees during that same period.

The virtual 2021 Disability Access Conference will be held on May 27 and 28, 2021 from 8:30 a.m. – 11:30 a.m. (HST) each day. William Botten and Juliet Shultz from the U.S. Access Board will be conducting presentations on the following topics: Accessible Sidewalks, Shared Use Paths, and Street Crossings; Accessible Transportation Facilities; Accessible Recreation Facilities; and Accessible Assembly Areas.

The Committee reviewed and voted to approve the draft Facility Access section of the Plan of Action for next fiscal year with two additional objectives. The two new objectives focused on the fees for plan reviews; evaluation of the fee rates to determine if the rates are adequate to sustain future budget requirements, and propose legislation to amend §103-50, Hawaii Revised Statutes to increase the review fees to sustain future budget requirements.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on May 13, 2021. She reported that about 5,100 (1,400 temporary and 3,700 long term) placards and 200 special license plates were issued in the third quarter. One thousand three hundred long term placards were issued by DCAB. The renewal rate was sixty seven percent.

A survey of permittees regarding their experiences in finding and using accessible parking spaces was conducted and over 2,600 responses were received. A breakdown of results by county is available and will be shared with elected officials and business organizations. The two main survey comments were: there are not enough accessible parking spaces, especially in large parking lots, and that permittees regularly observe spaces that do not meet design requirements. The webpage that allows the public to submit photos of a placard being misused received eighteen submissions in the third quarter. Staff conducted follow up with the permittee when enough information was provided. Public outreach efforts regarding the Disabled Paid Parking Exemption Permit (DPPEP) will begin once the administrative rules are signed by the Governor.

The public hearing on Hawaii Administrative Rules, Title 11, Chapter 219 was held on April 8, 2021. Three individuals submitted oral testimony in support, two of them also submitted written testimony in support of the proposed rules. Bryan Mick did a post public hearing presentation to the Small Business Regulatory Review Board (SBRRB) this morning on the administrative rules, and once the Deputy Attorney General signs off on the rules, it will be forwarded to the Governor for signature.

A crosscheck with vital records was performed and about 5,800 records were flagged; letters were sent to the estates of deceased permittees requesting return of the parking placard. Of them 13% were undeliverable, 5% had been discarded or were not found, and 1,984 (34%) were returned.

Staff started the procurement process for the new DPPEP placards and is finalizing the new multi-use application form. The legislation that would have increased the annual motor vehicle registration by \$1.00 to fund the parking program did not pass this session. The Memorandums of Agreement with the four Counties to cover fiscal years 2021-2023 have all been signed.

Staff informed Board members that the SBRRB met prior to this meeting and voted unanimously to endorse the administrative rules as previously presented.

F. Special Parent Information Network

Susan Rocco, SPIN Coordinator, reported on SPIN's activities. The SPIN Advisory Committee has been very active in the last year. The Committee has no recommendations to change any of the action steps in the Plan of Action under Education or Community Living. SPIN is offering parents of children with disabilities of all ages three ninety-minute workshops on transition. The first was on "Financing the Future" about ABLE accounts and Kal's Law--the new Medicaid income disregard program. The second workshop, "Pathways to the Future" introduced the concept of marathon skills, as well as future planning tools that families can access. The final workshop, "Arriving at the Future" is scheduled for June 19, 2021 and tells the stories of successful transitions of three families.

The Coalition on Children with Disabilities (which includes SPIN, the State Council on Developmental Disabilities, Leadership in Disabilities and Achievement of Hawaii, the Special Education Advisory Council, Hilopa'a Parent to Parent Information Program, and the Community Children's Council Office) wrote to the Department of Education (DOE) leadership in April expressing concern over what was perceived to be a slow response to assessing students with disabilities for skill loss/learning loss due to the disruptions to learning caused by the pandemic. DOE then asked parent organizations for data on parent feedback, and SPIN staff developed an online anonymous poll that gathered almost five hundred responses. The poll closed on May 15, 2021, and SPIN is in the process of developing a report on the results that will be shared with DOE and the interested public.

SPIN staff helped draft testimony for the Special Education Advisory Council (SEAC) to key legislators regarding the shortfall in the DOE budget,

particularly for special education funding (EDN 150). SEAC cited the Individuals with Disabilities Education Act's (IDEA) Maintenance of Effort requirements for funding special education services. Fortunately, all requested monies were restored to EDN 150 by the close of the Legislature.

VI. Old Business

A. ADA Coordination Update

Colin Whited reported that since the last Board meeting, staff provided technical assistance to one hundred eight callers on issues related to the ADA. DCAB hosted eight webinars related to ADA issues sponsored by the National ADA Network and the U.S. Access Board. Staff also maintained current information on the ADA Coordinators secured website and on DCAB's website to ensure that current lists of State and County Coordinators are available.

Guest Peter Fritz suggested that DCAB look into the captioning that is available for the legislative hearings. The public who view these hearings see the captioning being presented through YouTube and the captions are terrible and should be brought to the Legislature's attention. The captioning when testifying is by Zoom professional, its better but not perfect. A transcript version is easier to use where you can see everything at the same time. He also asked what are the issues that are coming forward from all the different agencies and what common thread is there and has that changed since March 2020.

Colin Whited responded that he had multiple conversations with the Senate and House clerks regarding the captioning and they are aware of the situation. He answered that myriad of calls are on how to make virtual meetings accessible, using masks, service animal, facility access, and parking questions.

Guest Peter Fritz asked about facility access, and if there are any mistakes or anything that the Unit normally comments on over a period of time that seems to indicate an area that presents a certain amount of confusion. Duane Buote responded the Unit comments on everything within the 2010 Standards. The most common areas that have a lot of accessible elements are parking, routes, bathrooms, breakrooms. There are problems in housing projects that covers both the Fair Housing Act and the ADA.

B. United Nations Convention on the Rights of Persons with Disabilities – Update

Kirby Shaw said that at the last meeting, a staff summary recommending that DCAB submit letters to Hawaii's U.S. Senators to prompt the Senate to hold hearings on the United Nations (UN) Convention on the Rights of Persons with Disabilities. Because the focus wasn't on people with disabilities in Hawaii, it was suggested by guest Peter Fritz, that DCAB's statute does not permit the Board from advocating on matters that are not focused on laws, rules, policies that are outside of persons with disabilities in Hawaii. The

Board asked Kirby Shaw to inquire with DCAB's Deputy Attorney General Andrea Armitage on the subject. She reviewed the statute, and although the statute says there's an emphasis on legislative matters, administrative rules, policies and procedures of the state and county government, it does not say exclusively on. There is room for DCAB to advocate on matters outside the scope of persons with disabilities in Hawaii. The Deputy Attorney General said that Kirby Shaw could recommend to the Board to vote to approve staff's recommendation. The Board voted to send a letter to Hawaii's U.S. Senators to advocate for the UN Convention (M/S/P Kimmey/Horvath).

VII. New Business

A. Plan of Action for Fiscal Year 2022

Kristine Pagano said a draft Plan of Action will be forwarded to Board members prior to the Planning meeting in July.

B. Election of Officers for Fiscal Year 2022

Chairperson Pauline Aughe called for volunteers to serve on the Nominating Committee to prepare a slate of officers for next fiscal year. Board members Nikki Kepo'o, Summer Kozai, and Marie Kimmey will serve as the Nominating Committee.

VIII. Open Forum

Board member Nikki Kepo'o informed Board members that she attended a DOE Deaf Task Force meeting. A guide is being put together on assessments and making the Department aware of the bill of rights for children who are deaf/hard of hearing. The Deaf Task Force will implement a communication plan with DOE to help families select their mode of communication and get services, and workshops on assistive devices. She requested looking at deaf mentor programs. They will look into transition plans because families are having problems. They are discussing with University of Hawaii and Kapiolani Community College to reinstate the interpreter programs.

Guest Donald Sakamoto provided an update on Big Island transportation for people with special needs. Recently, the Big Island put out a contract on transportation for people with low income as well as for people 60 and above. The contract should be submitted by June 2, with implementation in July or later. Transportation should be up and running soon for the whole island.

Guest Peter Fritz requested to download a copy of the transcript at the end of the meeting. Kirby Shaw will work with staff regarding the transcript request.

Guest Peter Fritz suggested using Zoom Professional because captions are much better.

IX. Chairperson Pauline Aughe announced the next DCAB meetings are scheduled for July 15, 2021; the Planning meeting begins at 9:00 a.m., followed by the General meeting at 11:00 a.m.

Board member Marie Kimmey asked about in-person Board meetings. Kirby Shaw said that DCAB is following the Governor's directive and will keep the Board informed of developments.

X. The meeting adjourned at 12:49 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Cindy Y. Omura", with a long, sweeping flourish extending to the right.

CINDY Y. OMURA



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DISABILITY AND COMMUNICATION ACCESS BOARD

General Meeting

May 20, 2021

ADA Coordination Report

Since the last meeting on March 18, 2021, ADA activities of all DCAB staff included:

1. Provided technical assistance (TA) to one hundred eight (108) callers on issues related to the ADA. Key departments/agencies included: Office of the Governor, Budget and Finance, Judiciary, Hawaii State Senate, Hawaii State House of Representatives, Hawaii Civil Rights Commission, Commerce and Consumer Affairs, Education, Health, Human Services, Office of Elections, University of Hawaii, County of Hawaii, City and County of Honolulu, County of Kauai, and the County of Maui.
2. Hosted eight (8) webinars related to ADA issues:
 - Six (6) webinars sponsored by the National ADA Network on:
 - "Access to COVID-19 Vaccines: Issues and Barriers for Persons with Disabilities"
 - "What You Need to Know about the Justice Department Settlement with Amtrak"
 - "Access to Federal Facilities and the Role of the General Services Administration"
 - "Building Local Capacity for ADA Implementation"
 - "Building Codes and the 2010 ADA Standards"
 - "Higher Education and the ADA"
 - Two (2) webinars sponsored by the U.S. Access Board on:
 - "Accessible Public Rights-of-Way"
 - "Play Areas"
3. Maintained current information on the ADA Coordinators secured website and DCAB's website by ensuring current lists of State and County ADA Coordinators were available.

Any questions regarding ADA Coordination activities should be directed to Colin Whited at (808) 586-8121 or colin.whited@doh.hawaii.gov.

SPIN Report May 2021

SPIN's Small Bites Workshops

In a Zoom series under the header "Recipes for Success," SPIN is offering parents of children with disabilities of all ages three 90-minute workshops on transition. The first in the series, **Financing the Future**, held on April 17th, featured benefits planning experts from the Center on Disability Studies and Daintry Bartoldus of the State Council on Developmental Disabilities talking about ABLE accounts and Kal's Law--the new Medicaid income disregard program. It drew about 50 live viewers and has since been watched by another 50 people on YouTube. The second workshop, **Pathways to the Future**, on May 8th showcased the experiences of a parent duo from the UH College of Education, a self-advocate and her mother, and a trainer from the Developmental Disabilities Division. It introduced about 40 live viewers to the concept of marathon skills, as well as future planning tools that families can access. The final workshop, **Arriving at the Future**, is scheduled for June 19th and tells the stories of successful transitions for three families who will offer guidance to others on the journey. SPIN is captioning all workshops and placing links to videos and handouts on its spinconference.org website.

Parent Survey on Learning Loss

The Coalition on Children with Disabilities (which includes SPIN, the State Council on Developmental Disabilities, Leadership in Disabilities and Achievement of Hawaii, the Special Education Advisory Council, Hilopa'a Parent to Parent Information Program, and the Community Children's Council Office) wrote to DOE leadership in April expressing concern over what was perceived to be a slow response to assessing students with disabilities for skill loss/learning loss due to the disruptions to learning caused by the pandemic. DOE then asked parent organizations for data on parent feedback, and Amanda and Susan developed an on-line anonymous poll that gathered 488 responses. The poll closed out on May 15th, and SPIN is in the process of developing a report on the results that will be shared with DOE and the interested public.

SEAC Budget Testimony

SPIN staff helped draft testimony for the Special Education Advisory Council to key legislators regarding the shortfall in the HIDOE budget, particularly for EDN 150 (special education) funding. SEAC cited IDEA's Maintenance of Effort requirements for funding special education services. Fortunately, all requested monies were restored to EDN 150 by the close of the Legislature.