

# **Disability and Communication Access Board ANNUAL REPORT FY 2020-2021**

## **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 2020.2021.

### **DCAB BOARD Members:**

- Pauline Aughe, Chairperson
- Nikki Kepo'o, Vice Chairperson
- Anthony Akamine
- Ronald Awa
- Rosanna Daniel-Kanetake
- Scott Fleming
- Dean Georgiev
- Violet Horvath
- Gerald Isobe
- Marie Kimmey
- Summer Kozai
- Phyllis Meighen
- Michael Nojima
- Gerald Ohta
- Justin "Pono" Tokioka
- Amy Tsuji-Jones

### **DCAB Staff:**

- Kirby L. Shaw, Executive Director
- Administration: Kristine Pagano, Cindy Omura, Rene Clymer (to 12/30/20)
- Planning and ADA Coordination: Colin Whited
- Program and Policy Development Unit: Bryan Mick, Romala Radcliffe, 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

## **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**

- Responded to two hundred nineteen (219) technical assistance (TA) calls on ADA issues (excluding design and employment reasonable accommodation requests that are listed in other sections). Provided technical assistance to ensure that the transition to vote by mail included considerations to ensure equal access to persons with disabilities.
- Continued to provide TA to the various County ADA Coordinators on issues related to the ADA.
- Coordinated and conducted training for the Department of Public Safety held October 14-15, 2020. Worked with the U.S. Equal Employment Opportunity Commission to provide ADA training to a Title III entity on making services accessible to deaf customers.
- Submitted comments to the Hawaii Department of Transportation on amending Hawaii Administrative Rules, Title 19, Chapter 122 to allow the Medical Advisory Board to cancel a monthly meeting if the Medical Advisory Board has fewer than ten (10) reports to review.
- Submitted comments to the Hawaii Department of Transportation on Hawaii Administrative Rules, Title 19, Chapter 149 amending the State of Hawaii identification application requirements to allow documents, photographs, and fingerprinting to occur out of office when applying in person is a serious burden for persons with a physical or intellectual disability.
- Reviewed and submitted comments to the Hawaii Department of Transportation on draft ADA training for Transportation personnel on ADA Introduction, Effective Communication, and Service Animals.
- Provided TA to various State and County agencies regarding the wearing of face coverings during the COVID-19 pandemic and adherence to emergency proclamations.
- Provided comments and guidance to the Department of Health's (DOH) Communication Office on the DOH COVID-19 website to ensure that the content is accessible to persons with disabilities.
- Continued to provide TA to the State Legislature to ensure video programmed hearings, virtual proceedings, and other online content are accessible to persons with disabilities.
- Provided TA to the Hawaii Disability Rights Center on ADA Title II requirements for State government live streaming of hearings, meetings and posting videos online; to an attorney on ADA Title III requirements for a private care home; responded to and provided TA regarding persons with disabilities and the requirements for wearing face coverings in places of public accommodations during the COVID-19 pandemic; and to a legislator and the State Council on Developmental Disabilities on emotional support animals, the ADA and the Fair Housing Amendments Act.
- Submitted comments and recommendations to the Governor on the following: in support of the measure to restore jurisdiction to the Hawaii Civil Rights Commission over disability discrimination complaints against State entities receiving Federal funding, and in support of a measure to allow the County Chiefs of Police to designate County employees to issue traffic

citations, including citations for parking illegally in reserved accessible parking spaces and abuse of disability parking permits.

- Interviewed by Civil Beat to provide information on “solo only” beach and hiking activities on whether the City and County of Honolulu Mayor's emergency proclamation discriminated against persons with disabilities who needed assistance in the aforementioned activities.

## **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.

Because of issues related to the COVID-19 pandemic, most of the Facility Access Unit (FAU) staff teleworked from March 2020 through June 1, 2021. (The FAU maintained an office presence by rotating staff telework and in-office days.) The FAU continued to perform all applicable plan of action objectives during this time by using the Facility Access Plan Submission and Review System which allowed the FAU to complete all plan review tasks through a web-based database. The FAU was also able to perform its education and training objectives with the use of a virtual online meeting and presentation platform.

## **DOCUMENT (BLUEPRINT) REVIEW PROCESS**

- Conducted one thousand two hundred eight (1,208) State and County document reviews as required under §103-50, Hawaii Revised Statutes (HRS); five hundred two (502) were new, first time submittals and seven hundred six (706) were resubmittals.
- Issued two (2) interpretive opinions:
  - Docket 2020-01 Residential Exterior Rooms
  - Docket 2020-02 Elevators Location
  - Amended Interpretive Opinion 2012-01 EV Charging Stations
- Reviewed two (2) Master Plans for Draft Environmental Assessment:
  - Kahului Civic Center and Mixed-Use Complex Project
  - Wailuku State Office Building 3 Projects
- Sent out eighty three (83) letters to ADA Coordinators or Department/agency representatives regarding submission of projects for review, per §103-50, HRS. Received fifty (50) responses, and twenty five (25) projects were submitted.
- A quarterly listing of projects reviewed was posted on DCAB's website.

## **TECHNICAL ASSISTANCE, OUTREACH AND PUBLIC EDUCATION TO THE DESIGN COMMUNITY**

- Responded to four hundred sixty seven (467) 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 §103-50, HRS document review.
- In collaboration with the Hawaii AIA conducted the virtual 2021 Disability Access Conference featuring speakers from the U.S. Access Board on "Accessible Recreation Facilities," "Accessible Assembly Areas," "Accessible Sidewalks, Shared Use Paths, and Street Crossings," and "Accessible Transportation Facilities." Conducted four (4) virtual trainings designed to teach basic information to prepare program participants for more complex topics to be covered at the annual conference.
- Prepared and distributed fifteen (15) "Access E-Bulletins." The current distribution is six hundred eighty (680) individuals, primarily in the design community.

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 PROGRAM (CEP) FOR SIGN LANGUAGE INTERPRETERS**

- Tested one (1) applicant and issued credential. Provided technical assistance regarding HQAS test evaluator qualifications.
- Updated, maintained, and monitored the HQAS interpreters CEU status: currently there are forty five (45) interpreters enrolled in the Hawaii State Sign Language Interpreter Credential Program and twenty eight (28) interpreters in the Continuing Education Program (CEP).
- The Hawaii Administrative Rules, Title 11, Chapter 218 were signed by the Governor and took effect on August 14, 2020. Finalized the State Agency Manual for the Provision of Sign Language Interpreters, updated the Hawaii State Agency Recommended Fee Schedule for Hiring Sign Language Interpreters. Developed and distributed a frequently asked questions sheet on the new rules.
- Continued to update and maintain the current registry of communication access providers on a monthly basis. The updated registry is distributed and posted on the DCAB website.
- Continued to monitor relevant discussion among members of the National Association of State Agencies for the Deaf and Hard of Hearing.
- Continued to respond to technical assistance calls from individuals about their right to effective communication in various settings, including healthcare and social services.
- Continued to work with the Hawaii Civil Rights Commission to finalize the American Sign Language videos and post online.
- Continued to provide technical assistance to Title II entities on providing effective communication.
- Attended one (1) meeting of the Department of Health's Office of Language Access Advisory Council.
- Continued to work with State agencies to ensure online videos are captioned and virtual events are accessible to persons with disabilities.
- Continued to monitor and review announcements in the "Federal Register."

## **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)**

- Issued five thousand nine hundred eighty seven (5,987) long term renewal placards by mail.
- Met with consultant and approved database modifications to allow for the issuance of the Disabled Paid Parking Exemption Permit (DPPEP).
- Finalized the new multi-use parking application form, and distributed new form to County issuing agencies.
- Retrieved four thousand three hundred thirty three (4,333) voided or expired placards upon renewal.
- Retrieved and voided two thousand six hundred ninety (2,690) placards due to death of permittee.
- Published a public hearing notice on parking program amendments in newspapers. Conducted the public hearing and received public comments on Hawaii Administrative Rules, Title 11, Chapter 219; rules were approved by the Governor and became effective on June 24, 2021. Presented proposed Hawaii Administrative Rules, Title 11, Chapter 219 amendments to the Small Business Regulatory Review Board.
- Procured temporary and long term disability parking placards and distributed to the Counties. Began the formal procurement process for the DPPEP.
- Prepared and transmitted the Memorandums of Agreement to the Counties for the period July 1, 2021 to June 30, 2023.

### **PARKING PERMITS (Disability Placards and Special License Plates)**

- Met with State and County parking enforcement personnel on the parking program, new DPPEP placard, and discontinuation of the meter fee exemption. Obtained cooperation of enforcement agencies in refraining from issuing citations to vehicles parked at meters with a non-DPPEP placard until August 15, 2021 to allow permittees to be notified of the change in the law.
- Launched a web page where the public can report misuse of a parking placard. Forwarded complaints submitted from the parking permit abuse web page to permittees or County enforcement agencies on parking violations.
- Updated the User Guide and developed a new Disabled Paid Parking Exemption Permit User Guide. Submitted testimony to the Maui County Council on a proposal to reserve half of beach park parking for residents' use.
- Interviewed by KHON on the new Disabled Paid Parking Exemption Permit (DPPEP), and by KHON-TV Action Line regarding complaints about the new placard. Provided information for a story to KITV on the history and issuance of the DPPEP. Did an interview with the Kokua Line column on the DPPEP. Sent out DPPEP information to physicians, advanced practice registered nurses and healthcare network administrators on the requirements of the new DPPEP. Conducted a survey of permittees who had provided email addresses, on accessible parking spaces.
- Began the monthly process of emailing reminder notices to permittees whose permits expire in sixty (60) days.

- Prepared amendments to Hawaii Administrative Rules, Title 11, Chapter 219, Parking for Disabled Persons. Published a hearing notice on the amendments to the parking rules. The amendments were reviewed by the Small Business Regulatory Review Board and will not place a significant expense on small businesses. Conducted the public hearing and received public comments on the proposed amendments to the rules. The Governor approved the amendments to the rules, which became effective on June 24, 2021.
- Introduced legislation in the State House and Senate to add \$1 to the annual vehicle registration to fund the parking program. Met with Chairs of the Transportation and Money Matter Committees, and the Department of Transportation Director to discuss the increase. Bill did not pass.

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

## **Major accomplishments in the area of COMMUNITY LIVING**

DCAB advocates for programs that promote full integration in the community and non-discriminatory employment facilities.

### ***COMMUNITY LIVING***

- SPIN staff attended monthly Evidence-Based Services Committee meetings/quarterly roundtables to disseminate information on evidence based interventions to families and professionals in the field, served on the Jobs Now Partnership Advisory Council, the Early Language Work Group, Child and Youth Summit Planning Committee, Family Engagement Partnership, and Footsteps to Transition Fair Work Group. Met with the Developmental Disabilities Division to provide input on prioritizing Elementary and Secondary School Emergency Relief funds for parent support under the Developmental Disabilities waiver.
- Attended two (2) meetings of the Children's Policy Agenda, hosted by the Hawaii Children's Action Network to prioritize legislative agendas.

**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**

- Participated in seven (7) webinars to gather information on emergency preparedness.

## **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 & AIR TRANSPORTATION**

- Provided technical assistance to a taxi company on the ADA and Hawaii law requirements concerning service animals, and required face coverings on public transportation.
- Attended meetings and provided testimony to the Honolulu City Council and the City and County of Honolulu's Rate Commission on the proposed changes to fare categories and rates for the Handi-Van paratransit system.
- Monitored the U.S. Department of Transportation Final Rule that defines a "service animal" as a dog and thereby allows only service animals to travel in the aircraft cabin with their handler.
- Submitted testimony to the Hawaii County Council on the adoption of Complete Streets as part of the County Street Design Manual. Submitted testimony to the Kauai County Council supporting a proposed amendment to broaden the various traffic calming measures used by the County. Submitted comments to the National Highway Traffic Safety Administration on amending regulations to add an exemption for rear facing cameras that are rendered inoperable due to rear mounted disability lifts.

## **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**

- Coordinated and conducted the Annual SPIN Conference on October 17, 2020, including developing and creating a SPIN Conference website. The Conference consisted of nine (9) live workshops, three (3) Talk Story sessions, and over thirty (30) exhibitors. The Conference was attended by over three hundred fifty (350) participants. Conducted three (3) workshop sessions on transition planning and posted on the SPIN website.
- Staff fielded eight hundred forty eight (848) calls and emails from individuals requesting information, support and technical assistance. Posted Facebook posts viewed by over one thousand five hundred (1,500) individuals per month and sent out sixty five (65) e-blasts on information, resources, and community events.
- Published and disseminated three (3) quarterly e-newsletters to more than one thousand (1,000) recipients.
- Developed thirty eight (38) infographics on topics such as reopening of schools for the 2020-2021 school year, SPIN workshops for the annual conference, COVID-19 vaccinations (for the State Council on Developmental Disabilities). Of the thirty eight (38) infographics, fifteen (15) will be included in the Department of Education's draft Deaf/Hard of Hearing/Deaf-Blind Guidelines. Also developed infographics for the State Council on Developmental Disabilities for self-advocates to relate their contributions to the community during the pandemic. Developed a survey generating over four hundred eighty seven (487) responses to find out how parents feel about learning loss for their child and to ask about the COVID-19 impact services.
- Continued to update the SPIN website with a new infographics menu directing readers to school reopening material. Updated and added captioned workshops to the SPIN Conference website. Created an application for feedback and information sharing and posted on the SPIN Conference website.
- Reviewed six (6) legislative bills and ten (10) public policies; testified on the pay differential for special education teachers, the Elementary and Secondary School Emergency Relief II funds, teacher exceptions from Applied Behavioral Analysis licensure requirements, the Department of Education budget, stipends for early childhood teachers and special education student scholarships. Provided feedback on the Annual Performance Report indicators, secondary transition, and supports, and COVID-19 impact services. Explored the possibility of creating a parent video explaining COVID-19 impact services and the means to address learning loss.
- Participated in a PBS Insights virtual presentation as a parent of a special education student. Participated in a roundtable for mental health professionals, social workers and parents on the "Media and the Developing Brain and Body." Co-presented on COVID-19's impact on health issues for students with disabilities. Presented at the PacRim Pre-Conference as a "Revisiting the SPIN Conference" strand.
- Took minutes and hosted virtual meetings for the Special Education Advisory Council (SEAC). Maintained the SEAC website and posted testimonies, agendas, and corrected minutes. Met with the SEAC Leadership Team to set agendas. Prepared testimonies for Board of Education

meetings and legislative hearings. Hosted virtual work group meetings to develop informational flyers. Submitted recommended SEAC member nominees to the Department of Education Superintendent.

- Facilitated virtual meetings with State legislators at the State Council on Developmental Disabilities' Day at the Capitol. Continued participation with the Department of Education's Exceptional Support Branch by providing input on planning, procedures and programs. Continued to attend meetings of the Hui for Excellence in Education to interject special education concerns into policy discussions around the delivery of public education services.

### **ADVOCACY AND TRAINING FOR COMMUNITY SUPPORT SERVICES**

- Joined the CDC Act Early Advisory for Hawaii to address solutions to barriers in identifying and serving young children with developmental disabilities.
- Facilitated parent-to-parent support by co-hosting virtual "Coffee Talk" meetings of the Autism Community in Action (TACA).

## **OTHER PROGRAM ISSUES & ADMINISTRATION**

### **OTHER PROGRAM ISSUES**

- DCAB website had one hundred sixteen (116) changes this year.

### **ADMINISTRATION**

- Maintained the IT network; and purchased laptops for staff.
- Maintained the IT network to ensure reliability of centralized backup, security, and database.
- Maintained office records management system, purged records as necessary.
- Will seek funding for the Communication Access Specialist position this fiscal year; will seek funding next legislative session.
- Continued to update Office Reference Guides.
- Developed and implemented COVID-19 related protocols and procedures. Coordinated with the Departments of Health and Human Services on a Kamamalu Building emergency plan. Coordinated the installation of a cipher lock for the DCAB office.
- Continued to update the Office Manual.

### **OBITUARY**

- We are sad to announce Francine Wai, DCAB's former Executive Director passed away in Honolulu on December 2, 2020. Francine passionately served the community, advocated and provided advice on rules, policies and procedures relating to persons with disabilities. After her 41 years of service with the State Department of Health, Francine retired in 2019.

**David Y. Ige, Governor**  
**Elizabeth A. Char, MD, 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, (808) 586-8121 within 180 days of a problem.