



DISABILITY AND COMMUNICATION ACCESS BOARD

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MINUTES

Disability and Communication Access Board Annual Planning Meeting

Location: Virtual Location Via Zoom

Date: July 21, 2022

Time: 9:00 a.m. to 11:00 a.m.

PRESENT: Nikki Kepo'o, Chairperson; Pauline Aughe, Ron Awa, Rosanna Daniel-Kanetake, Dean Georgiev, Violet Horvath, Summer Kozai, Michael Nojima, Gerald Ohta, Charlotte Townsend, Board Members; Kirby Shaw, Kristine Pagano, Susan Rocco, Duane Buote, Bryan Mick, Sue Radcliffe, Scott Castor, Staff

ABSENT: Anthony Akamine, Scott Fleming, Gerald Isobe, Marie Kimmey, Justin Tokioka, Amy Tsuji-Jones, Board Members

GUEST: Peter Fritz

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

- I. Violet Horvath, as Vice-Chairperson called the meeting to order at 11:09 a.m. She provided information about testimony or comments presented by members of the public during Board meetings.
- II. Board members, staff, and guests introduced themselves.
- III. Kirby Shaw read aloud the testimony of Peter Fritz that he submitted to DCAB via email. It is attached hereto and is made a part hereof. Discussion ensued. Board member comments indicated agreement with the testimony of Peter Fritz regarding updating the programs and services manual. A question was raised regarding the timeline for completing the update. Kirby Shaw said that it could take 2 to 3 months to complete the update, which would include a quick review by the Deputy Attorney General to ensure legal footing. Gerald Ohta and Charlotte Townsend stated that updating the manual was an administrative matter in the past and that could be handled by DCAB in house and does not require legal review. Kirby Shaw said that a review by the Deputy Attorney General would be cautionary given the litigious

propensity of the public. Nikki Kepo'o asked Violet Horvath to continue chairing the meeting.

IV. Disability and Communication Access Board End of the Year Report for FY 2021-2022

Violet Horvath reviewed the accomplishments for the End of the Year Report for fiscal year 2021-2022. As she reviewed the accomplishments section by section, Board members and Peter Fritz sought clarification and made comments on particular accomplishments or proposed recommendations. Nikki Kepo'o, Violet Horvath, Kirby Shaw and Susan Rocco responded to the points raised.

Board members pointed out typographical errors in the document. Kirby Shaw attributed the errors to his voice recognition software that sometimes types words unintentionally. The errors will be removed from the document. Susan Rocco indicated that some of the statistics were not included under the Education and Training section, which will be included in the revised version of the document.

V. Disability and Communication Access Board Proposed Plan of Action for FY 2022-2023

Violet Horvath noted that Board members should have received the Proposed Plan of Action for fiscal year 2022-2023. She reviewed each section and highlighted the proposed changes to existing objectives, deleted objectives, and added objectives. Board members made comments on a few of the objectives and noted additional typographical errors that needed to be removed from the document.

The Board voted to approve the Proposed Plan of Action for FY 2022-2023, which includes removing the typographical errors (MSP Kepo'o/Ohta).

VI. The meeting adjourned at 10:58 a.m.

Respectfully submitted,

/s/
KIRBY L. SHAW

ATTACHMENT

From: P Fritz (Legis) [REDACTED]
[REDACTED]

Subject: Testimony

“To Whom It May Concern:

This is my testimony for the Planning meeting:

Having served two terms on DCAB’s board, several of them as Chair, I can attest to the importance of the planning meeting to establish and set goals for the year.

DCAB’s policy manual provides guidance for the State on complying with nondiscrimination laws. A number of laws have been passed and the last time that the manual was updated was in 2018. Consideration should be given to assigning a high priority to updating the manual for new laws regarding remote meetings and for other changes made by recent legislation. The update should include topics such as:

Video Conferencing:

Many agencies are only within the video log on link. Agencies are omitting the dial-in number which would be necessary for people that are not using a computer to participate in the meeting or may want the dial-in information to allow them to arrange for captioning using Relay Hawaii. Full URL to log on and dial up numbers.

Conduct for Video Meetings.

The manual should consider including information such as:

- If your group includes people with visual impairments or participants who are not using video, ensure that all speakers identify themselves when they start talking.
- In meetings with visually impaired participants, ensure that someone reads all slides or other text materials aloud. If you’re sharing a screen showing web-based content, share the link so that screen reader users can navigate to and access the content.

Captioning:

The manual should include clear information about when live captioning is necessary for video meetings. Many agencies have started streaming their meetings on YouTube. However, YouTube uses software and YouTube’s text-to-speech software is very inaccurate. The guidance needs to explain that speech to text software may not satisfy the legal standard to provide effective team indication for individuals who are deaf or hard of hearing.

An agency recently refused to provide live captioning for a meeting. The agency claimed that they held a large number of meetings and that it would be an undue burden if the agency had to provide captioning all the hearings that they held. A lawsuit has

been filed or violation ADA since last for accommodations be made on an individualized basis.

Unreasonable Time for Notification of a Request For Accommodation.

Agencies are posting unreasonable and impossible time restrictions on requesting an accommodation.

At a DCAB meeting, I mentioned that an agency recently posted a notice six calendar days prior to the event. The agenda also stated that any request for an accommodation needed to be made five working days prior to the event. However, there were less than five working days prior to the event which meant that a timely request for an accommodation could not have been made.

The longest period of time to request an accommodation should be 48 hours prior to a meeting. This is the time. That is in a Title II handbook prepared by the Department of Justice. In The suggested language would read as follows:

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of [name of public entity], should contact the office of [name and contact information for ADA Coordinator] as soon as possible. If a request is received less than 48 hours prior to the scheduled event; [name of public entity] will attempt to provide the accommodation; however, we may not be able to obtain the requested accommodation for the scheduled event.

In addition, it is suggested that the guidance should make it clear that agencies should avoid use of language that states that request must be made or be made no later than a certain number of days prior to the event because that language has a chilling effect and could cause someone to believe that it is too late to request an accommodation. Language should be included to state that the agency will always attempt to accommodation request; however, the agency may not be able to obtain the requested accommodation.

Members of the Board may have other issues that should be added to the update of the manual.”