



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 586-8162 TTY

NOTICE OF MEETING

Disability and Communication Access Board

General Board Meeting

September 21, 2023

11:00 a.m. – 1:00 p.m.

AGENDA

The Disability and Communication Access Board will be meeting remotely using interactive conference technology. The public is welcome to participate as follows.

Public In-Person Meeting Location

Kamamalu Building
1010 Richards Street, Room 118
Honolulu, HI 96813

Participate Virtually via Zoom

Click on the link below or copy and paste it into your browser window:

<https://us02web.zoom.us/j/81986939486?pwd=cnUzdmpIcXNEN0ErdG5jWkFYR3VTZz09>

and enter Meeting ID: 819 8693 9486, Passcode: 842770

To join by phone

Dial 1 669 900 6833 and enter Meeting ID: 819 8693 9486, Passcode: 842770

Public Testimony

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, a 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.

Written Testimony -To ensure the public as well as its board members receive such testimony in a timely manner, written testimony should be submitted 24 hours prior to the scheduled meeting date and time. Any written testimony submitted after such time cannot be guaranteed to be distributed in time for the meeting. Written testimony may be submitted by one of the methods listed below:

- By email to: dcab@doh.hawaii.gov
- By U.S. Postal Mail:
Kirby Shaw, Disability and Communication Access Board, 1010 Richards Street,
Room 118, Honolulu, HI 96813
- By facsimile to: (808) 586-8129

AGENDA

- I. Call to Order
Review Remote Meeting Procedures
 - This meeting is being recorded.
 - A quorum of Committee members is required to be visible on screen.
 - Raise hand to speak unless called upon.
 - Identify yourself before speaking.
- II. Introductions
- III. Statement from Public and Written Testimonies Submitted
 - Rules on Public Testimony and Office of Information Practices Guidance.
- IV. Approval of General Board Meeting Minutes of May 18, 2023
- V. Executive Director's Report
 - Submit Testimony Webpage
 - Presentation to the Maui County Council Committee
 - Response to Maui Wildfires
 - Two new laws with impact on DCAB: Act 019, SLH 2023 ([SB 1513](#)), which requires a board to report its discussion and any final action it took in an executive session when it reconvenes in public session, and Act 125, SLH 2023 ([HB 712 HD1 SD1](#)), which encourages boards to keep recordings of remote meetings online, requires a copy of a recording be sent to the State Archives before a board removes a remote meeting recording from its website, and requires the beginning of a board's written minutes to include a link to an electronic audio or video recording of the meeting if such a recording is available online.
 - Courtesy letters to departments and agencies regarding public notice and agenda accessibility issues.

- Update on Act 172, SLH 2022 - Hawaii Electronic Information Technology Accessibility Act – Working Group progress on developing the “Hawaii Electronic Information Technology Disability Access Standards.”
- Personnel
 - Recruitment for the Planner/ADA Coordinator, Communication Access Specialist, Program Support Technician I positions – Update.

VI. Committee Reports

- A. Executive Committee
 - No meeting held. No report.
- B. Legislative Committee
 - No meeting held. No report.
- C. Standing Committee on Communication Access
 - No meeting held. No report.
- D. Standing Committee on Facility Access
 - Report of Facility Access Unit fall training schedule.
- E. Standing Committee on Parking
 - Statistics on the issuance of disability parking permits.
 - Report on the number of submissions via the webpage to report the misuse of disability parking permits and the webpage to report reserved parking spaces for persons with disabilities that do not comply with the Americans with Disabilities Act and or State design requirements.
 - Statistics on the number of emails sent to permittees regarding a pending disability parking permit expiration.
 - Update on letter to Title III Entities with 100 or more parking spaces requesting additional accessible spaces and informing them of voluntary information sign that can be placed at their van accessible parking spaces to notify permittees that the priority for using such spaces is for vehicles with a side mounted lift/ramp.
 - Update on procurement of placards and decals.
 - Update on crosscheck of DCAB Parking Database with the Office of Vital Records Deceased Residents Database.
- F. Special Parent Information Network
 - Invitation to join the Civil Rights Compliance Branch (DOE) Work Group.
 - SPIN's participation in Deaf Safari Day (Sept. 16th) at the Honolulu Zoo.
 - SPIN's upcoming presentation to the Ho'okaika Partnership Annual Conference on Maui aimed at preventing child abuse.
 - Training from the National Association for Family, School, and Community Engagement.

VII. Old Business

- A. ADA Coordination
 - Review statistics of ADA technical assistance program. Update.

- Making web content accessible for persons with disabilities training sessions for State ADA Coordinators.

- B. Letter to Title III Entities - Request to increase the number of reserved parking spaces for persons with disabilities in parking facilities beyond the minimum Americans with Disabilities Act requirements – Update.

VIII. New Business

- A. Department of Justice, Notice of Proposed Rulemaking, Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities – Staff Summary.

- B. Letter to Governor Green - Request inclusion of an individual with knowledge on accessible design or a person with a disability to serve on accessible housing committee/panel.

- IX. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meet.

- X. Next Meeting

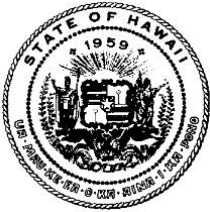
- XI. Adjournment

If you need an auxiliary aid/service or other accommodation due to disability, contact Scott Castor at (808) 586-8121 or email dcab@hawaii.gov as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

The agenda and meeting materials for this meeting are available for inspection at DCAB's office located at 1010 Richards Street, Room 118, Honolulu, Hawaii 96813 and on DCAB's website at: <https://health.hawaii.gov/dcab/dcab-agendas-and-minutes/>.

CANCELLED



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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING September 21, 2023

TOPIC: U.S. Department of Justice, Notice of Proposed Rulemaking regarding Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities

SUMMARY:

The U.S. Department of Justice (DOJ) is accepting comments until October 3, 2023, on a [Notice of Proposed Rulemaking](#) (NPRM) that amends the regulation implementing Title II of the Americans with Disabilities Act (ADA) to establish specific requirements, including the adoption of specific technical standards, for making accessible the services, programs, and activities offered by State and local government entities to the public through the web and mobile apps.

ANALYSIS:

The proposed revision will add a new subpart H to Title II ADA Regulation, 28 CFR part 35, that will set forth technical requirements for ensuring that web content that State and local government entities make available to members of the public or use to offer services, programs, and activities to members of the public is readily accessible to and usable by individuals with disabilities. Web content is information or sensory experience that is communicated to the user by a web browser or other software. This includes text, images, sounds, videos, controls, animations, navigation menus, and documents. Examples of sensory experiences include content such as visual works of art or musical performances. Proposed subpart H also sets forth technical requirements for ensuring the accessibility of mobile apps that a public entity makes available to members of the public or uses to offer services, programs, or activities to members of the public. The regulation would adopt the Web Content Accessibility Guidelines (WCAG) 2.1 as the technical standard for web content and mobility app accessibility. Public entities would be required to comply with WCAG 2.1 Level AA.

DOJ is proposing to stagger the compliance dates so that any public entity with a resident population of 50,000 or more would need to comply two years after the publication of the final rule, while entities with 50,000 or less residents would have three years.

DOJ is proposing seven exceptions to the regulation: (1) archived web content; (2) preexisting conventional electronic documents; (3) web content posted by third parties on a public entity's website; (4) third-party web content linked from a public entity's website; (5) course content on a public entity's password-protected or otherwise secured website for admitted students enrolled in a specific course offered by a public postsecondary institution; (6) class or course content on a public entity's password-protected or otherwise secured website for students enrolled, or parents of students enrolled, in a specific class or course at a public elementary or secondary school; and (7) conventional electronic documents that

are about a specific individual, their property, or their account and that are password-protected or otherwise secured. The proposed exception for preexisting conventional electronic documents would also apply to conventional electronic documents available through mobile apps. However, upon request from a specific individual, a public entity may have to provide web content or content in mobile apps to that individual in an accessible format to comply with the entity's existing obligations under other regulatory provisions implementing Title II of the ADA, even if an exception applies.

The NPRM also proposes to make clear the limited circumstances in which “conforming alternate versions” of web pages, as defined in WCAG 2.1, can be used as a means of achieving accessibility. A conforming alternate version is a separate web page that is accessible, up to date, contains the same information and functionality as the inaccessible web page, and can be reached via a conforming page or an accessibility-supported mechanism. DOJ understands that, in practice, it can be difficult to maintain conforming alternate versions because it is often challenging to keep two different versions of web content up to date. For this reason and others discussed in the NPRM, conforming alternate versions are permissible only when it is not possible to make websites and web content directly accessible due to technical or legal limitations. Also, the NPRM would allow a public entity flexibility to show that its use of other designs, methods, or techniques as alternatives to WCAG 2.1 Level AA provides substantially equivalent or greater accessibility and usability. Additionally, the NPRM proposes that compliance with WCAG 2.1 Level AA is not required under the ADA to the extent that such compliance imposes undue financial and administrative burdens or results in a fundamental alteration of the services, programs, or activities of the public entity.

The proposed rule will directly benefit millions of people with disabilities who otherwise may find it difficult to access government information and/or services. As an example, WCAG 2.1 Level AA requires synchronized captions live-audio content. The NPRM also recognizes that small Title II entities will require a longer time period to comply. It also recognizes that requiring entities to automatically convert non-accessible historical documents and webpages is not an efficient use of limited resources, and therefore exempts them from the new regulation.

STAFF RECOMMENDATION.

Staff recommends that DCAB should submit testimony in favor of the NPRM.