



DISABILITY AND COMMUNICATION ACCESS BOARD

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

NOTICE OF MEETING

Disability and Communication Access Board

General Board Meeting

July 21, 2022

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://zoom.us/j/94397454699> and enter Meeting ID: 943 9745 4699

To join by phone

Dial 1 669 900 6833 and enter Meeting ID: 943 9745 4699

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
- IV. Approval of General Board Meeting Minutes of May 19, 2022
- V. Executive Director's Report
 - Budget
Review of State Budget relating to DCAB
 - Personnel
Update on Planner and ADA Coordinator and Communication Access Specialist Positions
- VI. Committee Reports
 - A. Executive Committee
The Executive Committee did not hold any meetings, no report.
 - B. Legislative Committee
Staff to report on legislative bills that were signed into law by the Governor.
 - C. Standing Committee on Communication Access
Review of the Standing Committee on Communication Access meeting on May 27, 2022
 - D. Standing Committee on Facility Access

Update on the Disability Access Conference, June 28 and June 29, 2022

- E. Standing Committee on Parking
Report on the Standing Committee on Parking activities.
- F. Special Parent Information Network
Report on the Special Parent Information Network activities.
- VII. Old Business
 - A. ADA Coordination – Update
Review statistics of ADA technical assistance.
 - B. Nominating Committee Report and Election of Officers
Announce committee members, nomination and election of officers.
 - C. U.S. Department of Transportation – Notice of Proposed Rulemaking: Part 2 – To Require Airlines to Ensure That at Least One Lavatory on New Single-Aisle Aircraft with 125 or More Passenger Seats is Large Enough to Permit a Passenger with a Disability (with the Help of an Assistant if Necessary), to Approach, Enter, and Maneuver Within the Aircraft Lavatory, as Necessary, to Use All Lavatory Facilities by Means of the Aircrafts On-board Wheelchair - Update
- VIII. New Business
 - A. Guidance on the Provision of Auxiliary Aids/Services or Accommodations Due to a Disability at Public Meetings or Events. Review and update the guidance language on the provision of auxiliary aids/services or accommodations due to a disability at public meetings or events.
- IX. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meeting.
- X. Next Meeting
- XI. Adjournment

If you require an auxiliary aid or service for disability or other accommodation to participate in the meeting, please contact Scott Castor wakes up scroll up at (808) 586-8121 or email, dcab@doh.hawaii.gov. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats.

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



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MINUTES

Disability and Communication Access Board General Meeting

Location: Virtual Location Via Zoom and 1010 Richards Street, Room 118

Date: July 21, 2022

Time: 11:00 a.m. to 1:00 p.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; Cindy Omura, Staff

GUESTS: Donald Sakamoto, Citizens for a Fair ADA Ride; Annette Tashiro, State Rehabilitation Council

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

- I. Chairperson Nikki Kepo'o 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. Roll was called and Board members, staff, and guests introduced themselves.
- III. Chairperson Nikki Kepo'o said there were no written testimonies submitted.
- IV. The May 19, 2022 General meeting minutes were approved as circulated (M/S/P Ohta/Horvath).
- V. Executive Director's Report
 - Budget

Kristine Pagano reported that fiscal year 2022 ended and staff is working on closing the books. In addition, staff is working on fiscal year 2023 and the new budget. She noted that there was one addition to the General Fund budget, the restoration of the Communication Access Specialist position with funding. There were no changes to the Special Fund.

Kirby Shaw reported that Governor Ige signed SB3121 [Relating to Funding for Parking for Disabled Persons] into law. We have referred to the bill as “Francine’s Dollar Bill” because she advocated strongly for its passage since 2011. The bill calls for the creation of an accessible parking special account within DCAB’s special fund and the addition of \$1.00 to the annual vehicle registration fee of each vehicle subject to the law. Each dollar will be deposited into the special account. More than 1 million vehicles are subject to the law, which means that more than \$1 million will be deposited annually into the special account. The new law takes effect on January 1, 2023. On July 1, 2023, the funds accumulated in the special account will begin paying for all the costs of the parking program, including staff salaries and fringe benefits, reimbursements to the counties, database maintenance, placards and decals, and all other costs of the parking program.

Kirby Shaw said that a photo op ceremony was held at the Governor’s Office the day before. The Governor; Senator Joy San Buenaventura and Representative Henry Aquino, who moved the bill forward; Dr. Elizabeth “Libby” Char, Director of Health; Summer Kozai; Dean Georgiev; and members of Francine’s family attended the ceremony. A link to the photos of the ceremony [posted on the Governor’s website] will be sent to Board members.

- Personnel

Kirby Shaw reported that the Planner and ADA Coordinator position is still in recruitment.

Kristine Pagano reported that she will be working on the paperwork to obtain approval to fill the Communication Access Specialist position. Once approval is obtained, a job announcement will be published.

VI. Committee Reports

A. Executive Committee

No report.

B. Legislative Committee

Kirby Shaw reported that a bill [HB1575 Relating to Physician Assistants] that would allow physician assistants to certify disability for the purpose of applying for a disability parking permit, among other purposes, became law. He noted that the parking database contractor modified the database to allow the counties and DCAB to select “physician assistant” when entering an applicant’s disability certification made by a physician assistant.

Nikki Kepo'o asked whether the U.S. Department of Transportation responded to DCAB's comments regarding accessible lavatories on aircraft. Kirby Shaw responded that the comments were submitted before the deadline and that DCAB did not receive a response. Charlotte Townsend asked whether the comments contained stronger language per the motion of the Board. Kirby Shaw responded by saying that the comments expressed the Board's perspective that the timeline for implementation was discriminatory. Kirby Shaw said he would provide a copy of the comments to her.

Donald Sakamoto asked about the status of SB2144 [Relating to Electronic Information Technology Accessibility for Persons with Disabilities]. Kirby Shaw responded by saying that DCAB is ready and waiting for the Office Enterprise Technology Services to begin the process. He added that he would like to assign the next Communication Access Specialist to the task.

C. Standing Committee on Communication Access

No report.

D. Standing Committee on Facility Access

Duane Buote reported that DCAB held the Disability Access Conference on June 28 and June 29, 2022, with eight-four (84) participants.

E. Standing Committee on Parking

Summer Kozai reported that the Standing Committee on Parking did not meet since May 12, 2022. However, she reported the following parking program statistics for the fourth quarter.

Approximately 5,828 placards and two hundred (200) special license plates were issued statewide. Of the placards, about 1,706 were temporary and 4,121 long term.

DCAB issued forty-five (45) disability paid parking exemption permits and about 1,334 long term placards.

Efforts on public education, enforcement, quality assurance and program enhancements included providing all of the county issuing agencies with copies of the Parking for Persons with Disabilities Users Guides to be given to all new permittees.

DCAB maintained the webpage that allows the public to submit photos of a placard being misused and received a few submissions. When enough information is provided on the web submission, staff will follow up with the permittee or business.

Another DCAB webpage was launched to report accessible parking spaces that have a non-compliant design.

The county police departments and state agencies with enforcement divisions met with DCAB on February 26, 2022, to review Act 87-19 [SB1236 Relating to Parking for Disabled Persons]. None of the enforcement agencies reported any difficulties with the transition that removed free parking at parking meters. The police departments indicated that they use and prefer to use volunteer enforcement officers.

The annual cross check with DOH's vital records process to remove invalid placards was conducted in the first quarter of 2021. Death retrieval letters and postage paid return envelopes were mailed to approximately three thousand two hundred (3,200) estates. Forty-six percent (46%) of the requested placards were returned to DCAB to be destroyed.

Summer Kozai commented that it was an honor to attend the photo op ceremony to commemorate the passage of the \$1 Bill and to memorialize Francine Wai's strong advocacy for its passage.

F. Special Parent Information Network

Susan Rocco reported that the SPIN Advisory Committee is in limbo as to whether the SPIN Conference will be a hybrid or virtual conference on October 22, 2022. This is because it has been difficult to establish a venue, including the University of Hawaii where there is a staff shortage. The SPIN Report is attached.

VII. Old Business

A. ADA Coordination – Update

Kristine Pagano reported that staff responded to numerous technical assistance requests regarding service animals, emotional support animals, housing and problems with inaccessible entrances to restaurants. There were many requests to meet with DCAB staff to assist them in resolving their disability issues.

B. Nominating Committee Report and Election of Officers

Nikki Kepo'o reported that the nominating committee (Nikki Kepo'o, Pauline Aughe and Gerald Ohta) presented Violet Horvath and Dean Georgiev as the slate of nominees for Chairperson and Vice Chairperson, respectively. The board voted to elect the nominees (MSP Ohta/Awa).

C. U.S. Department of Transportation – Notice of Proposed Rulemaking: Part 2 – To Require Airlines to Ensure That at Least One Lavatory on New Single-Aisle Aircraft with 125 or More Passenger Seats is Large Enough to Permit a Passenger with a Disability (with the Help of an Assistant if Necessary), to Approach, Enter, and Maneuver Within the Aircraft Lavatory, as Necessary, to Use All Lavatory Facilities by Means of the Aircrafts On-board Wheelchair - Update

Bryan Mick reported that the Board's comments on the proposed regulations supported the concept of making accessible lavatories available on single

aisle aircraft, but strongly objected to the proposed timeline. It asks for consideration of a shorter timeline. The comments are attached.

Charlotte Townsend emphasized that strong advocacy at the federal level must be continuous to keep the door open to further changes. She noted that the Air Carrier Access Act is too weak and more needs to be done.

Kirby Shaw suggested that DCAB should seek support from Hawaii's Congressional delegation because it should matter to them. Gerald suggested that Board members who have contacts with the senators and representatives could ask them to reach out to Pete Buttigieg, Secretary of the U.S. Department of Transportation. This approach would bypass the bureaucratic comment process.

Charlotte Townsend moved the discussion to the upcoming elections and suggested that DCAB educate the congressional primary election winners on disability issues, not only on the accessible lavatories on aircraft issue. She said that if we could find out where they stand, we could maximize our advocacy through them.

Nikki Kepo'o suggested that DCAB ask the candidates questions about what they have done for persons with disabilities in their careers, what they would do for persons with disabilities if elected, and what are they aware of. She suggested that Board members email their questions to Kirby Shaw to compile and send them to the candidates for a response. Charlotte Townsend said that the anniversary of the ADA is on July 26 and it would be the perfect occasion to leverage DCAB's questions.

VIII. New Business

- A. Guidance on the Provision of Auxiliary Aids/Services or Accommodations Due to a Disability at Public Meetings or Events. Review and update the guidance language on the provision of auxiliary aids/services or accommodations due to a disability at public meetings or events.

Nikki Kepo'o said that the guidance on the provision of auxiliary aids and services was emailed to the meeting participants. She noted that the guidance was revised to require a telephone number to be included on meeting notices for persons who do not have the technology to participate in public meetings by computer and to apply to virtual meetings. The Board voted to approve the revised guidance (MSP Horvath/Ohta). The guidance will be distributed to stakeholders in the state and counties, including the Office of Information Practices, department and agency directors, and ADA coordinators.

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

Violet Horvath announced the Pacific Disabilities Center, of which she is the Director, Independent Living Hawaii, and Pacific Basin Telehealth Center, formed the Hawaii Disabilities and Healthcare Coalition, which covers medical care, dental care and mental health care because they saw a huge gap. Their idea is to increase

the quantity and quality of healthcare. They meet monthly and are inviting organizations to join, but individuals are welcome. Just let her know so she can add you to the email notification list. In addition, the coalition will hold a healthcare symposium in January 2023 that will feature two to four local speakers, persons with disabilities and parents of children with disabilities to speak about their experiences.

Donald Sakamoto provided an update on City and County of Honolulu transportation related issues, including a recent Honolulu Rate Commission meeting where a subsidy for low-income bus and paratransit was discussed. The subsidy would help low-income passengers as the rates for public transportation increase, such as the paratransit fare that increased from \$2.00 to \$2.25 per one-way trip on July 1, 2022. He announced that he was recently appointed as the Chairperson of the Committee for Accessible Transportation.

Kirby Shaw announced that Cindy Omura, DCAB Secretary would be on extended leave until the end of August 2022.

- X. Chairperson Nikki Kepo'o announced that the next meeting is scheduled for September 15, 2022.
- XI. The meeting adjourned at 12:27 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

/s/
KIRBY L. SHAW

ATTACHMENTS



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May 26, 2022

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building Ground Floor
Room W12-140
Washington, D.C. 20590-0001

Regarding: Docket DOT-OST-2021-0137 Accessible Lavatories on Single-Aisle Aircraft: Part 2

Dear Sir or Madam,

The Disability and Communication Access Board (DCAB) supports the intent of the proposed rules contained in DOT-OST-2021-0137, we have strong reservations in the discriminatory nature associated to the timeline to comply and the dimensions of preexisting accommodations.

The proposed rules would require airlines to ensure that at least one lavatory on new single-aisle aircraft with 125 or more passenger seats is large enough to permit a passenger with a disability (with the help of an assistant, if necessary) to approach, enter and maneuver within the aircraft lavatory, as necessary, to use all lavatory facilities and leave by means of the aircraft's on-board wheelchair.

It is discriminatory to impose the rulemaking to apply the covered retrofitted aircraft with at least one accessible lavatory to be ordered eighteen years after the effective date of the final rule, delivered twenty years after the effective date of the final rule or a new type-certificated design filed with the Federal Aviation Administration or a foreign carrier's aviation safety authority more than one year after the effective date of the final rule. To wait for one-quarter of all qualifying aircrafts to be deployed with accessible features, thirty years for half of all qualifying aircrafts and forty-five years for essentially all qualifying aircrafts to have the accessible features.

The wait of forty-five years for all aircraft to be accessible for people with disabilities who must wait to travel by air will never happen in one's lifetime. This is a disservice with limited number of aircraft and exorbitant fees to choose from for people with disabilities who are born in rural areas especially in Hawaii where air travel between islands is a necessity.

DCAB urges the U.S. Department of Transportation (DOT) to allow wheelchair users to use their own wheelchairs to use the accessible lavatory. The one size fits all, on-board

wheelchair, is not accessible for all persons with disabilities. The use of a wheelchair restraint system that is used in other modes of transportation such as trains or buses accommodate a wider range of options for a wheelchair user and should be included on aircrafts.

The future trends for voluntary adoption of larger lavatories in single-aisle aircraft is not only for accommodating people with disabilities in their own wheelchairs and for the population of people who have a disability, limited or impaired in the ability to walk or has a condition that limits or impairs the ability to walk. In addition, the aging population who need assistance to use the accessible lavatory, people who are obese, and children traveling with parents/guardians also need the extra space in a larger lavatory.

Thank you for the opportunity to provide comments on this important issue.

Sincerely,

/s/

NIKKI KEPOO
Chairperson

SPIN Report July 2022

Partner Seminar for the UH Center on Disability Studies

SPIN has long served on the CDS Community Advisory Council. In June, Susan Rocco participated in a Partner Seminar entitled “SPIN: A World of Support for Parents of Kids with Disabilities.” The purpose of the seminar was to share SPIN’s history, activities, and key values with CDS staff and guests. The seminar can be accessed at <https://youtu.be/F1DMPSLhkzs>.

Special Education Advisory Due Process Report

SPIN staff prepared an annual report on special education due process activities—mediation, written complaints and due process hearing requests—for presentation at the May 12th SEAC meeting. Two major concerns that surfaced after a review of due process decisions for SY 2020-21 were 1) an adequate supply of experienced and affordable plaintiff attorneys, and 2) the average length of time between due process filings and final decisions that runs counter to the intent of IDEA for timely dispute resolution. The report also noted that Hawaii parents underutilize the option of using mediation to resolve disputes with their child’s school even though mediations are more timely, less costly and more likely to preserve the relationship between home and school. The due process report can be found at: <https://seac-hawaii.org/wp-content/uploads/2022/05/2022-DP-Review.pdf>

Special Education Advisory Council Annual Report

SPIN staff also drafted the annual report of SEAC activities that is traditionally presented to the Superintendent of the Hawaii Department of Education, Keith Hayashi, at the end of the school year. The report contains a six-page infographic on key data related to students who are eligible for services under the Individuals with Disabilities Education Act. It also makes recommendations to the Department of Education regarding systemic unmet needs that were discussed by not resolved during the SEAC discussions, and it summarizes key actions taken by SEAC in SY 20-21. The annual report can be found at: <https://seac-hawaii.org/wp-content/uploads/2022/07/2021-22-SEAC-Annual-Report.pdf>