



DISABILITY AND COMMUNICATION ACCESS BOARD

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

NOTICE OF MEETING

Disability and Communication Access Board

General Board Meeting

February 2, 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://zoom.us/j/97442096896> and enter Meeting ID: 974 4209 6896

To join by phone

Dial 1 669 900 6833 and enter Meeting ID: 974 4209 6896

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

- VII 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.
- VIII Introductions
- IX Statement from Public and Written Testimonies Submitted
- X Approval of General Board Meeting Minutes of November 17, 2022
- XI Executive Director's Report
 - New Accessible Parking Special Account created to fund the Disability and Communication Access Board's parking program.
 - Update on the Act 172, SLH 2022 - Hawai'i Electronic Information Technology Accessibility Act - Working Group's progress on developing the "Hawaii Electronic Information Technology Disability Access Standards"
 - Update on Communication Access Specialist Position Recruitment
- XII Committee Reports
 - A. Executive Committee
No meeting held. No report.
 - B. Legislative Committee
 - Ratification of Legislative Committee Minutes of December 13, 2022, and January 17, 2023, as approved by the Legislative Committee.
 - Ratification of Legislative Position Statements, as approved by the Legislative Committee and set forth below.

DCAB LEGISLATIVE POSITION STATEMENTS

2023 Legislature

(As of February 2, 2023)

Due to the rapid pace of the Legislature and short testimony deadlines that do not always allow for bringing a measure to the attention of the DCAB Legislative Committee, the following position statements will facilitate the timely preparation and submittal of testimony on bills and resolutions during the 2023 Legislature.

The following is not an exhaustive list of issues and positions. It is based on consistency of positions taken on similar issues during the most recent Legislative sessions. In addition, there are two new measures that will be introduced.

Parking

- Oppose legislation to revert to "free meter parking" for all permit holders.
- Support legislation to increase the minimum number of parking spaces for persons with disabilities or study the issue.
- Support legislation to improve enforcement, provided that law enforcement is able to implement the provisions.
- Oppose legislation to issue disability parking permits to people solely on the basis of vision loss, pregnancy, age, developmental disability, behavioral, or other non-mobility related condition.
- Oppose legislation to issue disability parking permits to agencies or transportation companies.
- Support legislation to authorize the counties to enforce design requirements for accessible parking.

Non-discrimination Against Persons with Disabilities/Civil Rights

- Support legislation for the provision of reasonable modification of policies, practices and procedures in state government programs and services to provide for equal access for persons with disabilities (this could impact many different programs).
- Oppose legislation for separate identification cards for people with disabilities in addition to a driver's license or a state identification card.
- Provide comments on the provision of state government services to ensure that the needs of persons with disabilities are taken into consideration without supporting or opposing the underlying service.

- Provide comments on the process of voting to ensure that the needs of persons with disabilities are taken into consideration.
- Support legislation that requires the House and Senate to permit remote testimony, via telephone, at public hearings.

Communication Access

- Support legislation to maintain or increase captioning provisions in movie theaters.
- Support efforts to include increased access to on-line state information (to include, but not be limited to website accessibility, social media platforms, and digital information provided through kiosks or other similar means) with funding for implementation.

Service and Other Animals

- Support state legislation to clarify state law to be consistent with federal law, but not to exceed federal law in areas such as certification or licensure. Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Oppose expansion of service animal legislation to assistance animals or other emotional support animals in settings other than housing already required under federal and state law.

Building Code, Design, and Facility Access

- Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by Titles II and III of the ADA.
- Oppose legislation that would require DCAB to perform tasks that DCAB staff have no expertise.

Community Based Services and Employment

- Support legislation to increase reimbursement for hearing aids.
- Support legislation to require the Department of Human Services (DHS) to establish a Medicaid buy-in program for workers with disabilities.

Transportation and Mobility

- Support legislation following the "DCAB Guiding Principles on the Mobility and Safety of Pedestrians with Disabilities" and "DCAB Guiding Principles on Public Transit Fixed Route Bus and Paratransit Services."

Emergency Preparedness

- Support legislation to ensure the inclusion of persons with disabilities in emergency preparedness efforts, including planning, exercises, notifications, emergency sheltering, and mitigation and recovery efforts.

Administration

- Support legislation consistent with facilitating the operation of DCAB as a Board or Commission.
- Oppose legislation that would change the status of the DCAB Special Fund.

Other

- Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale of mobility enhancing equipment or durable medical equipment, hearing aids, prosthetic devices, and prescription drugs sold pursuant to a licensed practicing physician's prescription when the basis for the acquisition of the item is due to a person's disability.
- Support legislation that includes a representative from DCAB on a task force if the bill or resolution includes a position above and only if there is adequate staffing to attend and participate in meetings. Oppose the legislation if the criteria above are not met.

C. Standing Committee on Communication Access
No meeting held. No report.

D. Standing Committee on Facility Access
No meeting held. No report.

E. Standing Committee on Parking

- Statistics on the issuance of disability parking permits for the second quarter of Fiscal Year 2022-2023.
- 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.
- Update on the creation of a voluntary information sign for places of public accommodation to place 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 a revised user guide to be handed out with each parking permit to emphasize the proper use of the permit.
- Statistic on the number of emails sent to permittees regarding a pending disability parking permit expiration.
- Update on the procurement of disability parking placards, month decals, and year decals.
- Update on the number of placards returned in response to letter sent by DCAB to the estates of deceased permittees.

F. Special Parent Information Network

- 4 infographics produced for the December issue of the SPIN Newsletter
 1. Preventing the Harmful Effects of Chronic Stress (2 pages)
 2. The Essentials of Care Mapping for Your Child
 3. Hawaii Multi-tiered System of Support - The Role of Parents and Family
 4. The Legislative Process and You
- Announcement regarding the Footsteps to Transition Fair on February 4th for students with disabilities and their families transitioning to adult services
- Tentative agenda for the April 22, 2023, SPIN Conference for families of children with disabilities and helping professionals

XIII Old Business

- A. ADA Coordination
Review statistics of ADA technical assistance program. Update.
- B. 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. Update.
- C. Disability and Communication Access Board Programs and Services Manual - Update.
- D. U.S. Department of Transportation – Notice of Proposed Rulemaking – Enhancing Transparency of Airline Ancillary Service Fees. Requires air carriers to disclose family seating fees when fare and schedule information is provided and the ability to purchase those seats at all points of sale. Update on staff recommendation to amend the rule to prohibit a fee to seat a parent and a child with a disability who requires attention next to each other regardless of the child's age.
- E. Emergency Preparedness Update

XIV New Business

- A. Draft letter to Governor Green to request increased number of reserved parking spaces for persons with disabilities in state parking facilities beyond the minimum Americans with Disabilities Act requirements.
 - B. Draft letter to places of public accommodation to request increased number of reserved parking spaces for persons with disabilities in their parking facilities beyond on the minimum Americans with Disabilities Act requirements.
- XV Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meeting.
- XVI Next Meeting
- XI. Adjournment

If you require an auxiliary aid or service for a disability or other accommodation to participate in the meeting, please contact Scott Castor 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 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/>.



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DRAFT MINUTES **Disability and Communication Access Board** **General Board Meeting**

Location: Virtual via Zoom and 1010 Richards Street, Room 118
Date: November 17, 2022
Time: 11:00 a.m. – 1:00 p.m.

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

ABSENT: Anthony Akamine, Ronald Awa, Justin Tokioka, Board Members

GUESTS: Peter Fritz; Donald Sakamoto, Citizens for a Fair ADA Ride; Teri Spinola-Campbell; Annette Tashiro, State Rehabilitation Council

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

REAL TIME

CAPTIONER: April Chandler

- I. Chairperson Violet Horvath called the meeting to order at 11:07 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. Chairperson Violet Horvath welcomed Teri Spinola-Campbell who will join the Board as an appointed member.
- III. Statement from Public and Written Testimonies Submitted

No public testimony was submitted.
- IV. Minutes of the September 30, 2022 General meeting were approved as circulated (M/S/P Kepo'o/Daniel-Kanetake; Abstain: Aughe).
- V. Executive Director's Report

Kirby Shaw reported that the DCAB Annual Report is almost complete. The Facility Access and Parking Annual Reports are nearing completion. Staff will forward the Reports to Board members upon completion.

He also reported that staff is meeting with the Office of Enterprise Technology Services (ETS) and will share the draft Hawaii Electronic Information Technology Disability Access Standards when ready with Board members.

Recruitment is continuing for the Communication Access Specialist position. Staff met with the Standing Committee on Communication Access and discussed how to open the pool to prospective applicants.

VI. Committee Reports

A. Executive Committee

There was no meeting held, and no report was provided.

B. Legislative Committee

Curtis Motoyama reported that in preparation for the upcoming legislative session, the Legislative Committee will hold a meeting in December.

C. Standing Committee on Communication Access

Committee Chairperson Gerald Isobe reported that the Committee met on November 16, 2022. A workshop coordinated by Hand Ninjas and presented by Max of Definitely Dope is scheduled for November 19, 2022. Currently, there are forty (40) American Sign Language (ASL) interpreters with Hawaii Quality Assurance System (HQAS) credentials and twenty six (26) in the Continuing Education Program. Staff will be posting videos for the Hawaii Civil Rights Commission (HCRC) on what are my rights, communication, employment discrimination, housing discrimination, and filing a complaint with HCRC.

Board member Gerald Ohta asked if the number of interpreters is sufficient for the state and counties. Kristine Pagano responded that forty (40) interpreters is not enough statewide, with a number of interpreters who have relocated to the mainland. The goal is to increase the number of interpreters, but Hawaii does not have an interpreter training program. She tried to work with Kapiolani Community College (KCC) to restart the interpreter training program. The University of Hawaii (UH) has a course about ASL interpreting and hopefully will start an interpreting program.

Chairperson Violet Horvath shared concerns about increasing the quantity and quality of healthcare interactions for persons with disabilities and obtaining sign language interpreters for medical, dental, behavioral health, mental health interactions is an ongoing issue.

Board member Gerald Ohta asked for clarification about the appropriate number of interpreters. Committee member Nikki Kepo'o shared that there is not an exact number that should be reached; the goal may be one hundred (100) qualified interpreters. It's an issue statewide, but mostly on the neighbor islands. It is also challenging to find a qualified interpreter within the necessary timeframe.

Committee Chairperson Gerald Isobe expressed the need to coordinate with the Department of Education (DOE), KCC, and UH to increase the number of interpreters. Kirby Shaw shared that the lack of local interpreters forces reliance on video remote interpreting.

Board member Charlotte Townsend inquired about the KCC Interpreter Program. KCC still offers ASL classes, but there are no interpreter training classes; it has been about fifteen to twenty (15-20) years without an interpreter training program. The Education Interpreter Training Program trains interpreters in the education field from preschool to grade 12. The DOE interpreting credentials are different than DCAB's interpreting credentials.

Chairperson Violet Horvath noted that Ami Tsuji-Jones resigned from the Board for personal reasons.

D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Committee met on November 2, 2022 and discussed the Facility Access Unit (FAU) Fall training schedule. The FAU scheduled five (5) Basic Training Sessions for Fall 2022 on Chapters 3 through 10 and Education Facilities.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on November 10, 2022. She reported that approximately six thousand eight hundred (6,800) placards and three hundred ten (310) special license plates were issued in the first quarter of fiscal year 2023. Of the placards, one thousand seven hundred (1,700) were temporary, five thousand one hundred (5,100) were long term, and thirty two (32) were Disabled Paid Parking Exemption Permits. Of the long term placards, two thousand one hundred (2,100) were issued by DCAB. The renewal rate was fifty eight percent (58%).

She reported that during the first quarter of this fiscal year, six (6) inquiries were submitted through the DCAB webpage to report abuse of a disability parking permit and three (3) inquiries were made to the page to report noncompliant parking spaces. The Committee is working with staff to design a voluntary sign that businesses can place on van accessible spaces indicating that priority should be given to vehicles with side mounted ramps or lifts. The Committee is working with staff to redesign the brochure (which will include images for clarity) that is issued with parking permits, instructing the permittees on how to properly use their permit to park. One thousand forty (1,040) reminder emails were sent to permittees to notify them of their placard expiration date. A crosscheck with the Department of Health (DOH) Vital Records flagged four thousand three hundred forty four (4,344) placards of deceased permittees. Letters were sent to the estates of deceased permittees. Responses were received: one thousand two hundred ninety (1,290) placards were returned, two hundred seventy three (273) were reported lost, and five hundred sixty six (566) letters were returned as undeliverable.

F. Special Parent Information Network

Susan Rocco reported that based on the feedback of the October 7, 2022 SPIN Conference, it was considered a success in delivering helpful information in a friendly and engaging learning environment. The three (3) successive workshops, attended by one hundred (100) or more participants, received high praise. Of the stakeholder groups attending, the mix was evenly split between family members (parents, persons with disabilities, family members) and professionals. The vast majority of the attendees were from Oahu, and Hawaii County had the next largest representation. SPIN would like to extend its thanks to the SPIN Advisory Committee members--including DCAB Board member Anthony Akamine--who helped deliver a well-planned, well-resourced

conference. The Committee is now gearing up for a hybrid in-person/virtual conference in mid-April 2023.

She reported that she and Amanda Kaahanui participated in a Community Resource Fair held at the Mililani Town Center and sponsored by the DOE Central District; a panel presentation at the 2022 Hawaii Book and Music Festival on “Raising Awareness about Autism, Inclusion and Family Support in Hawaii.” Fellow panelists included Dr. May Okihira, a pediatrician and John A. Burns School of Medicine professor, and Dr. Jeffrey Stern, a psychology and Chaminade University professor. Finally, she and another parent, Melissa Harper Osai, were asked by the Hawaii Childrens' Action Network to present on “Family Strengthening for Families of Children with Disabilities.”

She reported that the SPIN Newsletter [October issue](#) was the first regular newsletter of the 2022-2023 school year. It included four (4) new infographics, including “How to Help Your Teen Get More Sleep,” “Keeping Safe from Monkeypox,” “Mindfulness for Keiki: Tools for Self-Calming,” and “Support for Families.” The latter was designed and vetted by the Hawaii DOE and partner agencies, including SPIN, as a parent handout that contains a description and contact information for six (6) key agencies supporting families of school-aged children with disabilities.

VII. Old Business

A. ADA Coordination

Curtis Motoyama reported that staff documented forty seven (47) technical assistance activities in September, and fifty nine (59) in October. Common technical assistance subject matters included facility access, service animals, emotional support animals, obtaining ASL interpreters, transcribing a document into Braille, accessible word and PDF documents, and accessible meeting agendas and event notices.

B. 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. Update.

Curtis Motoyama reported that staff is reviewing and updating the guidance document concurrently with the Programs and Services Manual update. This should ensure consistency between the guidance document and the Manual. Revisions to the guidance document that staff is considering includes removing “guarantee” and “Braille” from the sample language.

C. Disability and Communication Access Board Programs and Services Manual - Update.

Kirby Shaw reported that he consulted with the Office of Information Practices (OIP) to confirm that the Sunshine Law would permit two (2) Board members to interact with each other and staff concerning the Manual. No appointment by the Board or defining of their role and authority would be required. Board members Charlotte Townsend and Gerald Ohta agreed to review and provide input regarding Manual revisions.

Curtis Motoyama reported that Board members Charlotte Townsend and Gerald Ohta met with staff and provided the following recommendations:

- Revise the title to Programs and Services Reference Manual.
- Make the purpose of the Manual prominent and emphasize that it is a reference guide and not legally binding if it is not followed.

- Eliminate superfluous information and reduce the overall size of the Manual.
- Focus on guidance that ADA Coordinators need to implement ADA requirements by placing information contained in the attachments into the body of the Manual instead of at the back of the Manual.
- Write the Manual in a consistent style.
- Use the Hawaiian Dictionary to include diacritical marks, such as kahako (macron) and okina (glottal stop).
- Include checklists because they are a helpful tool.

Due to this Manual reorganization, staff expects to develop a draft and ask for input before the next Board meeting with discussion at the next meeting. Staff will continue to work with Board members Charlotte Townsend and Gerald Ohta to develop the Manual. Staff is planning to prioritize sections of the Manual, such as the sections about Announcements and Publicity Materials, Virtual Meetings and Events, and Service Animals. As sections are finalized, staff would like to post sections on the ADA Coordinators website. When all sections are finalized and posted on the ADA Coordinators website, staff will provide all ADA Coordinators with a hardcopy of the entire Manual.

Board member Charlotte Townsend shared that DCAB would be consistent with the Department of Justice technical assistance that these requirements are the foundation of the guidance of the Manual.

Chairperson Violet Horvath asked about diacritical marks. Board member Charlotte Townsend shared that the Manual should have diacritical marks to make technology evolve to address these marks.

VIII New Business

A. U.S. Department of Transportation – Notice of Proposed Rulemaking – Enhancing Transparency of Airline Ancillary Service Fees – Staff Summary.

Bryan Mick referred Board members to the staff summary. Board members asked if the rules applied to caregivers and about the definition of a family member.

Guest Teri Spinola-Campbell mentioned that the rule should not be restricted to children and should consider caregivers that need to be seated next to a spouse.

Board member Pauline Aughe ask how often complaints are filed about additional cost when a parent needs to sit next to their child. She agreed that someone with a disability should be able to sit next to their family member. She asked if the policy is addressed by the U.S. Department of Transportation or the individual airline. She shared that comments should stress training for the airlines.

Board member Charlotte Townsend asked if the Notice of Proposed Rulemaking (NPRM) amends the Air Carrier Amendments Act (ACAA). Bryan Mick reported that this NPRM does not appear to amend the ACAA.

Board member Pauline Aughe asked if the staff recommendation is asking for a fee exemption or transparency about fees. She also asked if there is an existing requirement about the fee. Board member Charlotte Townsend suggested including a definition of family that is more comprehensive. Board member Gerald Ohta mentioned that comments should address the needs of a person with a disability and the person traveling with that disabled person.

The Board voted to approve the staff recommendation in support of the rule and to create a separate prohibition for anyone with a disability who needs to be seated with a caregiver (M/S/P Kepo'o/Ohta).

B. Emergency Preparedness Update.

Curtis Motoyama reported that DCAB was invited to participate in a DOH Public Health Preparedness Exercise that will simulate a tsunami event. Staff has been and will continue to attend the planning meetings. The exercise is scheduled for January 19, 2023. The purpose of the exercise is to test policies and procedures with a focus on public health issues, such as post-tsunami public notification of unsafe drinking water. DCAB's role in this exercise is likely to be as a resource for technical assistance and guidance relative to access for people with disabilities, such as obtaining ASL interpreters for press conferences.

He reported that [Hurricane Ian impacted an estimated 1.2 million Florida residents with disabilities](#). In preparation for Hurricane Ian, the Florida Department of Health notified people with disabilities and special needs, such as medical conditions, that they should pre-register with the [Florida Special Needs Shelters Registry](#). This registry enrolls people with disabilities and special needs so they can be assisted quickly during an emergency and receive important information regarding evacuation and available sheltering options. Kirby Shaw mentioned that the City and County of Honolulu had a registry but there was no guarantee that first responders would provide assistance. The concern was that the registry provided a false sense of security. Board member Charlotte Townsend shared that the registry was not implemented because a guarantee could not be provided.

Curtis Motoyama reported that DCAB participated in development of the [2009 Interagency Action Plan for the Emergency Preparedness of People with Disabilities and Special Needs](#). The Action Plan is not an emergency preparedness document or a special needs response plan. It is a roadmap to ensure that other legislative, administrative, or programmatic efforts are inclusive of the issues of people with disabilities or special health needs. The Action Plan sets forth seven (7) goals related to evacuation shelters, sheltering-in-place, developing a personal evacuation plan, education, notification of emergencies, and developing a personal evacuation transportation plan. Each goal includes objectives, and each objective identifies the agencies responsible for implementing the objective. For example, Objective 1.1 under Goal 1 is to retrofit all public emergency evacuation shelters to meet baseline facility requirements for hardening and accessibility. The State Civil Defense, Department of Education, and County Civil Defense Agencies are responsible for implementing this objective.

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

Guest Donald Sakamoto shared that restaurant and retail websites are not receptive to screen readers used by people who are blind. Board member Nikki Kepo'o mentioned that this topic could be discussed by the Standing Committee on Communication Access.

X. Chairperson Violet Horvath announced the next meeting is scheduled for January 19, 2023 beginning at 11:00 a.m.

XI. The meeting adjourned at 1:03 p.m..

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

KIRBY L. SHAW

SPIN Report November 2022

October SPIN Conference Evaluations

Based on the feedback of many of our audience members, the October 22nd **SPIN Conference** was considered a success in delivering helpful information in a friendly and engaging learning environment. The three successive workshops, attended by 100 or more participants, received high praise (see attached conference evaluation results). Of the stakeholder groups attending, the mix was evenly split between family members (parents, persons with disabilities, family members) and professionals). The vast majority of the attendees were from Oahu (76 individuals), and Hawaii County had the next largest representation (14 individuals). SPIN would like to extend our thanks to our SPIN Advisory Committee members--including DCAB Board member Anthony Akamine--who helped deliver a well-planned, well-resourced conference. The Committee is now gearing up for a hybrid in-person/virtual conference in mid April 2023.

SPIN Presentations

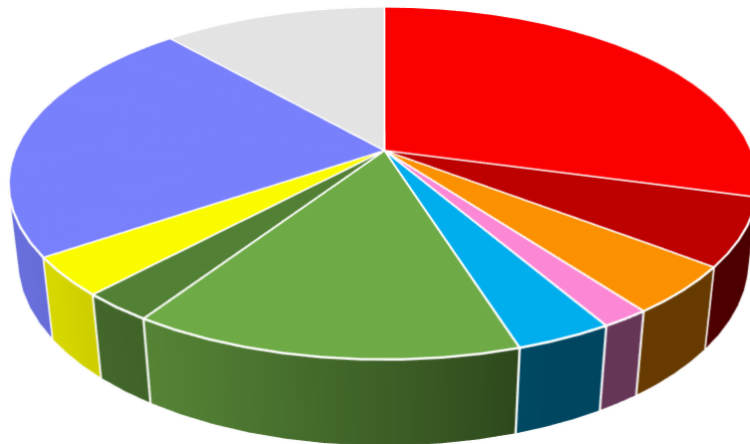
Susan and Amanda participated in three community events during the month of October. The first was a Community Resource Fair held at the Mililani Town Center and sponsored by Central District (Department of Education). Next was a panel presentation at the 2022 Hawaii Book and Music Festival on "Raising Awareness about Autism, Inclusion and Family Support in Hawaii. Fellow panelists included Dr. May Okihiro, a pediatrician and JABSOM professor, and Dr. Jeffrey Stern, a psychology and Chaminade University professor. Finally, Susan and another parent, Melissa Harper Osai, were asked by the Hawaii Childrens' Action Network to present on Family Strengthening for Families of Children with Disabilities.

SPIN Newsletter - October 2022 Edition

The [October issue](#) was the first regular newsletter of the 2022-23 School Year. It included four new infographics, including "How to Help Your Teen Get More Sleep," "Keeping Safe from Monkeypox," "Mindfulness for Keiki: Tools for Self-Calming," and "Support for Families." The latter was designed and vetted by the Hawaii Department of Education and partner agencies, including SPIN, as a parent handout that contains a description and contact information for six key agencies supporting families of school-aged children with disabilities.

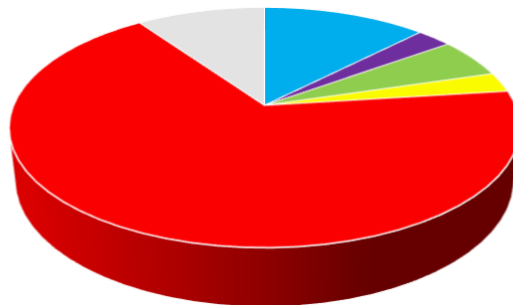
Conference Demographics

Conference Stakeholders



- | | |
|-----------------------------|-----------------------|
| ■ Parents of kids 0-22 | ■ Parents of adults |
| ■ Parent/professionals | ■ Family members |
| ■ Persons with disabilities | ■ Educators (DOE) |
| ■ Educators (University) | ■ University students |
| ■ Other Helping Pros | ■ Unknown |

Attendee by Location



- | | | |
|----------|---------|------------|
| ■ Hawaii | ■ Kauai | ■ Mainland |
| ■ Maui | ■ Oahu | ■ Unknown |



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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING November 17, 2022

TOPIC: U.S. Department of Transportation – Notice of Proposed Rulemaking – Enhancing Transparency of Airline Ancillary Service Fees

SUMMARY:

The U.S. Department of Transportation (DOT) issued a Notice of Proposed Rulemaking (NPRM) on October 20, 2022, which proposed that various ancillary fees relating to air travel, often not disclosed at the initial point of purchase, to be disclosed at all times. Comments are due by December 19, 2022. These fees are baggage, flight changes, flight cancellations, and family seating fees and policies regarding children under the age of 13.

ANALYSIS:

The family fees and policies are important to families who have children with disabilities. In some cases, parents may think they can only travel if they are seated next to the child. For instance, there might be a child with disabilities where the parent needs to monitor the child for signs of low sugar and administer food or insulin if necessary. In July 2022, DOT issued a “Notice Encouraging U.S. Airlines to Have Policies That Enable Children to Be Seated Adjacent to an Accompanying Adult to the Maximum Extent Practicable and at No Additional Cost.” In the notice, the Department provides that airlines should do everything that they can to ensure the ability of parents to sit next to their young children, including allowing every young child to sit next to a parent without charging fees for adjacent seating. While this NPRM does not require a waiver of fees, it would require the disclosure of the family seating fees when fare and schedule information is provided and the ability to purchase those seats at all points of sale, which would promote better informed buyers, enhanced competition, and possibly lead to lower prices.

STAFF RECOMMENDATION:

DCAB should support the NPRM, but advocate that it be further amended to prohibit a fee to seat a parent and a child with a disability who requires attention next to each other regardless of the child’s age.



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MINUTES **Legislative Committee Meeting**

Location: Virtual via Zoom and 1010 Richards Street, Room 118
Date: December 13, 2022
Time: 12:00 p.m. to 1:00 p.m.

PRESENT: Dean Georgiev, Chairperson; Anthony Akamine, Violet Horvath, Board Members; Kirby Shaw, Kristine Pagano, Bryan Mick, Curtis Motoyama, Staff

ABSENT: Rosanna Daniel-Kanetake, Board Member

SIGN LANGUAGE

INTERPRETER: Mala Arkin

REAL TIME

CAPTIONER: April Chandler

- I. Chairperson Dean Georgiev called the meeting to order at 12:08 p.m.
- II. Board members and staff introduced themselves.
- III. Curtis Motoyama reported that no testimonies were submitted.
- IV. DCAB Legislative Procedures

A. Review of DCAB Legislative Position Statements and Determine Subject Matter Categories for 32nd Legislature, 2023 Bills

Curtis Motoyama reported that the 2023 legislative position statements and subject matter categories are the same as the 2022 legislative position statements and subject matter categories except for the following substantive changes:

- Under Parking, removed position statement to “Support the “Dollar Bill” to fund DCAB’s parking program.”
- Under Parking, added a new position statement to “Support legislation to authorize the counties to enforce design requirements for accessible parking.” Section 291-58, Hawaii Revised Statutes, provides a penalty for private entities that do not comply with State accessible parking space design requirements, but the provision has not been enforced. DCAB is planning to seek an amendment to this statute that would authorize each county to enact an ordinance to allow county employees to enforce the ADA and State accessible parking space design requirements with penalties.
- Under Other, revised position statement to “Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale of mobility enhancing equipment or durable medical equipment, hearing

aids, prosthetic devices, and prescription drugs sold pursuant to a licensed practicing physician's prescription when the basis for the acquisition of the item is due to a person's disability. The revision added "licensed practicing physician's" to clarify who issues the prescription.

The Committee voted to approve the 2023 legislative positions statements and subject matter categories (M/S/P Horvath/Akamine).

B. Determining Types of Positions to Take on Bills

Curtis Motoyama reported that the types of positions to take on bills are the same as last year.

- Support – DCAB supports the bill's subject matter without suggesting changes. Requires written testimony.
- Support Intent – DCAB supports the concept of the bill and suggests changes. Requires written testimony.
- Oppose – DCAB is against the concept of the bill and suggest amendments to the bill. Requires written testimony.
- No Position – Comments – DCAB staff understands and empathizes with the intent of the bill and offers comments about how to amend the bill. Requires written testimony.
- Monitor – DCAB staff tracks the bill and if necessary, brings to the Committee when the bill may have an impact on the disability community. No written testimony required.

The Committee voted to approve the types of positions to take on bills (M/S/P Horvath/Akamine).

V. Rule on Time Limits on Public Testimonies/Comments

Chairperson Dean Georgiev shared that he discussed with Curtis Motoyama adoption of a two-minute time limit rule. Board member Anthony Akamine felt that a rule would be good to help the flow of the meeting. Board member Violet Horvath agreed and felt that a rule would be a good balance of the public's right to comment and the Committee's ability to conduct business. Curtis Motoyama suggested the following time limit rule for Committee meetings:

"Testimony or comments presented by members of the public during Legislative Committee meetings shall be limited to two 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 Legislative Committee meeting agendas."

The Committee voted to adopt the rule (M/S/P Akamine/Horvath). Kirby Shaw suggested including the following second rule that clarifies when public comment is closed, and the Committee members can deliberate uninterrupted.

"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.”

The Committee voted to approve the second rule with the change to replace Board with Legislative Committee (M/S/P Horvath/Akamine). Staff should monitor public participation by unmuting the public when it is the individual’s opportunity to testify and monitor the time limit. Committee members and staff agreed that the public should be encouraged to submit testimony in advance of the meeting.

The Committee would like to use a digital timer to keep track of testimony by members of the public in subsequent meetings.

VI. Open Forum

There was no public comment on issues not on the agenda for consideration for the Committee’s agenda at the next meeting.

VII. Next Meeting

The next Committee meeting is scheduled for January 17, 2023 beginning at 2:00 p.m. and ending at 3:00 p.m. The Committee is scheduled to meet weekly starting on January 27, 2023 beginning at 12:00 p.m. and ending at 1:00 p.m.

VIII. The meeting adjourned at 1:04 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

/s/

CURTIS S. MOTOYAMA



DISABILITY AND COMMUNICATION ACCESS BOARD

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

DRAFT DCAB LEGISLATIVE POSITION STATEMENTS

2023 Legislature

(as of January xx, 2023)

Due to the rapid pace of the Legislature and short testimony deadlines that do not always allow for bringing a measure to the attention of the DCAB Legislative Committee, the following position statements will facilitate the timely preparation and submittal of testimony on bills and resolutions during the 2023 Legislature.

The following is not an exhaustive list of issues and positions. It is based on consistency of positions taken on similar issues during the most recent Legislative sessions. In addition, there are two new measures that will be introduced.

Parking

- Oppose legislation to revert to "free meter parking" for all permit holders.
- Support legislation to increase the minimum number of parking spaces for persons with disabilities or study the issue.
- Support legislation to improve enforcement, provided that law enforcement is able to implement the provisions.
- Oppose legislation to issue disability parking permits to people solely on the basis of vision loss, pregnancy, age, developmental disability, behavioral, or other non-mobility related condition.
- Oppose legislation to issue disability parking permits to agencies or transportation companies.
- Support legislation to authorize the counties to enforce design requirements for accessible parking.

Non-discrimination Against Persons with Disabilities/Civil Rights

- Support legislation for the provision of reasonable modification of policies, practices and procedures in state government programs and services to provide for equal access for persons with disabilities (this could impact many different programs).

- Oppose legislation for separate identification cards for people with disabilities in addition to a driver's license or a state identification card.
- Provide comments on the provision of state government services to ensure that the needs of persons with disabilities are taken into consideration without supporting or opposing the underlying service.
- Provide comments on the process of voting to ensure that the needs of persons with disabilities are taken into consideration.
- Support legislation that requires the House and Senate to permit remote testimony, via telephone, at public hearings.

Communication Access

- Support legislation to maintain or increase captioning provisions in movie theaters.
- Support efforts to include increased access to on-line state information (to include, but not be limited to website accessibility, social media platforms, and digital information provided through kiosks or other similar means) with funding for implementation.

Service and Other Animals

- Support state legislation to clarify state law to be consistent with federal law, but not to exceed federal law in areas such as certification or licensure. Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Oppose expansion of service animal legislation to assistance animals or other emotional support animals in settings other than housing already required under federal and state law.

Building Code, Design, and Facility Access

- Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by Titles II and III of the ADA.
- Oppose legislation that would require DCAB to perform tasks that DCAB staff have no expertise.

Community Based Services and Employment

- Support legislation to increase reimbursement for hearing aids.
- Support legislation to require the Department of Human Services (DHS) to establish a Medicaid buy-in program for workers with disabilities.

Transportation and Mobility

- Support legislation following the "DCAB Guiding Principles on the Mobility and Safety of Pedestrians with Disabilities" and "DCAB Guiding Principles on Public Transit Fixed Route Bus and Paratransit Services."

Emergency Preparedness

- Support legislation to ensure the inclusion of persons with disabilities in emergency preparedness efforts; including planning, exercises, notifications, emergency sheltering, and mitigation and recovery efforts.

Administration

- Support legislation consistent with facilitating the operation of DCAB as a Board or Commission.
- Oppose legislation that would change the status of the DCAB Special Fund.

Other

- Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale of mobility enhancing equipment or durable medical equipment, hearing aids, prosthetic devices, and prescription drugs sold pursuant to a licensed practicing physician's prescription when the basis for the acquisition of the item is due to a person's disability.
- Support legislation that includes a representative from DCAB on a task force if the bill or resolution includes a position above and only if there is adequate staffing to attend and participate in meetings. Oppose the legislation if the criteria above are not met.



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

DRAFT MINUTES **Legislative Committee Meeting**

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

Date: January 17, 2023

Time: 2:00 p.m. to 3:00 p.m.

PRESENT: Dean Georgiev, Chairperson; Anthony Akamine, Rosanna Daniel-Kanetake, Violet Horvath, Board Members; Kirby Shaw, Bryan Mick, Curtis Motoyama, Staff

- I. Chairperson Dean Georgiev called the meeting to order at 2:02 p.m.
- II. Board members and staff introduced themselves.
- III. Curtis Motoyama reported that no testimonies were submitted.
- IV. The December 13, 2022 Legislative Committee meeting minutes were approved as circulated (M/S/P Horvath/Akamine).
- V. Proposed Legislation to Amend §291-58, HRS Authorizing the Counties to Enforce Accessible Parking Requirements

Curtis Motoyama reported that staff met with Senator Chris Lee, Chair of the Senate Committee on Transportation and Culture and the Arts, to discuss introduction of a bill to amend §291-58, Hawaii Revised Statutes (HRS). The proposed amendment would authorize the counties to adopt ordinances to enforce the design and construction requirements of the federal ADA and state parking rules, such as the minimum number, location, size, slope, markings, and signage. Staff have reached out to each county's building department official to inform them about the potential legislation and ask for their thoughts on whether their building inspectors could enforce an ordinance. The City and County of Honolulu and the County of Kauai have responded that their inspectors could enforce an ordinance, but Honolulu has concerns about staffing and resources. If a bill is introduced, DCAB staff will include the bill in a future Legislative Committee meeting for discussion. Kirby Shaw mentioned that the City and County of Honolulu and the County of Kauai official didn't oppose the proposed legislation. Also, Kirby Shaw mentioned that staff needs to reconnect with Representative Chris Todd's Office, because they may have misunderstood the proposed legislation.

Committee member Violet Horvath felt that the proposed legislation is a step in the right direction but is this enough. Kirby Shaw mentioned that staff is taking two actions. Staff prepared a draft letter to the Office of the Governor to request an administrative directive that provides state departments and agencies guidance about state parking facilities that should exceed the minimum number of accessible parking spaces required under the ADA. In addition, staff prepared a draft template

letter that could be sent to private entities that own or operate places of public accommodation with parking facilities. This letter requests that private entities exceed the minimum number of accessible parking spaces under the ADA and maintain accessible elements, such as parking spaces and accessible routes. Both draft letters are on the agendas of the upcoming Standing Committee on Parking and General meetings.

Chairperson Dean Georgiev asked staff if there are parking facilities that would be excluded from the proposed legislation, such as accessible parking in residential facilities. Kirby Shaw mentioned that this proposed legislation would only apply to places of public accommodation. However, Senator Lee broached the larger topic about access for people with disabilities that could be introduced in future legislation. Staff sent Senator Lee's Office a list of access priorities for persons with disabilities, which included accessible residential facilities.

Committee member Violet Horvath ask if there is a timetable for the proposed parking legislation. Kirby Shaw mentioned that the first step is to get the bill introduced and through the Legislature, and the next step would be to work with each county to introduce and pass an ordinance to enforce accessible parking design requirements.

VI. Open Forum

There was no public comment on issues not on the agenda for consideration for the Committee's agenda at the next meeting.

VII. Next Meeting

The Committee is scheduled to meet weekly starting on January 27, 2023 beginning at 12:00 p.m. and ending at 1:00 p.m.

VIII. The meeting adjourned at 2:22 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

CURTIS S. MOTOYAMA



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

MINUTES

Disability and Communication Access Board General Board Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118
Date: February 2, 2023
Time: 11:00 a.m. – 1:00 p.m.

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

ABSENT: Justin Tokioka, Board Member

GUEST: Peter Fritz

SIGN LANGUAGE

INTERPRETERS: Jackie Emmart and Carie Sarver

REAL TIME

CAPTIONERS: Kelly Decamp and Tammy McGee

- I. Chairperson Violet Horvath called the meeting to order at 11:02 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 guest introduced themselves.
- III. Statement from Public and Written Testimonies Submitted

No public testimony was submitted.
- IV. Minutes of the November 17, 2022 General meeting were approved as circulated (M/S/P Townsend/Daniel-Kanetake).
- V. Executive Director's Report

Kirby Shaw reported he met with Dr. Kenneth Fink, the new Department of Health Director. He provided a brief background on Dr. Fink, and his perspective on leadership and philosophy of "people first."

He gave an overview of the Accessible Parking Program Special Account that was established on January 1, 2023. The annual vehicle registration fee was increased by \$1 and requires that \$1 to be deposited into this account, and requires all costs

associated with the Statewide Parking Program for Persons with Disabilities to be appropriated from this account beginning July 1, 2023.

He reported that DCAB staff is continuing to meet every other week with the Office of Enterprise Technology Services (ETS) staff to work on the Hawaii Electronic Information Technology Disability Access Standards. The ETS staff is preparing draft Standards that will be distributed to the working group for review and comment. DCAB staff will be making the initial outreach to potential working group members such as the National Federation of the Blind (Hawaii group), National Association of the Deaf, Hawaii Information Consortium, LLC dba NIC Hawaii, Division of Vocational Rehabilitation, Ho'opono Services for the Blind, State Council on Developmental Disabilities (DDC), the Legislature, State libraries, Department of Education (DOE), and the University of Hawaii (UH).

He provided an update on the recruitment of the Communication Access Specialist position. Staff is in the process of arranging interviews, however, recruitment of this position is still on going.

VI. Committee Reports

A. Executive Committee

There was no meeting held, and no report was provided.

B. Legislative Committee

Committee Chairperson Dean Georgiev reported that the Committee met on December 13, 2022, and January 17, 2023. At the December 13, 2022, meeting, the Committee discussed and approved the 2023 Legislative Position Statements and subject matter categories. The Legislative Position Statements allow staff to prepare and submit testimony on bills and resolutions with short testimony deadlines. The Committee discussed and approved the types of positions to take on bills. The Committee discussed and approved the rule on time limits on public testimonies and comments. This rule is consistent with the rule that applies to general board meetings, but the time limit was reduced to two (2) minutes. At the January 17, 2023, meeting, the Committee approved the December 13, 2022, meeting minutes and discussed proposed legislation about enforcement of accessible parking design and construction requirements. Board member Charlotte Townsend inquired if the Committee will be reviewing housing bills that were introduced in the Legislature this session to ensure that projects do not bypass DCAB's §103-50, Hawaii Revised Statutes (HRS) document review process. As a Board, DCAB should advocate that access in §103-50, HRS is upheld. Duane Buote explained the §103-50, HRS process and how it relates to housing projects. The Legislative Committee is scheduled to meet every Friday at 12:00 p.m. starting on January 27, 2023. The Board ratified the Committee's actions for both the December 13, 2022 and January 17, 2023 meetings (M/S/P Akamine/Townsend).

DCAB LEGISLATIVE POSITION STATEMENTS

2023 Legislature

(As of February 2, 2023)

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The following is not an exhaustive list of issues and positions. It is based on consistency of positions taken on similar issues during the most recent Legislative sessions. In addition, there are two new measures that will be introduced.

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- Oppose legislation to revert to "free meter parking" for all permit holders.
- Support legislation to increase the minimum number of parking spaces for persons with disabilities or study the issue.
- Support legislation to improve enforcement, provided that law enforcement is able to implement the provisions.
- Oppose legislation to issue disability parking permits to people solely on the basis of vision loss, pregnancy, age, developmental disability, behavioral, or other non-mobility related condition.
- Oppose legislation to issue disability parking permits to agencies or transportation companies.
- Support legislation to authorize the counties to enforce design requirements for accessible parking.

Non-discrimination Against Persons with Disabilities/Civil Rights

- Support legislation for the provision of reasonable modification of policies, practices and procedures in state government programs and services to provide for equal access for persons with disabilities (this could impact many different programs).
- Oppose legislation for separate identification cards for people with disabilities in addition to a driver's license or a state identification card.

- Provide comments on the provision of state government services to ensure that the needs of persons with disabilities are taken into consideration without supporting or opposing the underlying service.
- Provide comments on the process of voting to ensure that the needs of persons with disabilities are taken into consideration.
- Support legislation that requires the House and Senate to permit remote testimony, via telephone, at public hearings.

Communication Access

- Support legislation to maintain or increase captioning provisions in movie theaters.
- Support efforts to include increased access to on-line state information (to include, but not be limited to website accessibility, social media platforms, and digital information provided through kiosks or other similar means) with funding for implementation.

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- Support state legislation to clarify state law to be consistent with federal law, but not to exceed federal law in areas such as certification or licensure. Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Oppose expansion of service animal legislation to assistance animals or other emotional support animals in settings other than housing already required under federal and state law.

Building Code, Design, and Facility Access

- Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by Titles II and III of the ADA.
- Oppose legislation that would require DCAB to perform tasks that DCAB staff have no expertise.

Community Based Services and Employment

- Support legislation to increase reimbursement for hearing aids.

- Support legislation to require the Department of Human Services (DHS) to establish a Medicaid buy-in program for workers with disabilities.

Transportation and Mobility

- Support legislation following the "DCAB Guiding Principles on the Mobility and Safety of Pedestrians with Disabilities" and "DCAB Guiding Principles on Public Transit Fixed Route Bus and Paratransit Services."

Emergency Preparedness

- Support legislation to ensure the inclusion of persons with disabilities in emergency preparedness efforts, including planning, exercises, notifications, emergency sheltering, and mitigation and recovery efforts.

Administration

- Support legislation consistent with facilitating the operation of DCAB as a Board or Commission.
- Oppose legislation that would change the status of the DCAB Special Fund.

Other

- Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale of mobility enhancing equipment or durable medical equipment, hearing aids, prosthetic devices, and prescription drugs sold pursuant to a licensed practicing physician's prescription when the basis for the acquisition of the item is due to a person's disability.
- Support legislation that includes a representative from DCAB on a task force if the bill or resolution includes a position above and only if there is adequate staffing to attend and participate in meetings. Oppose the legislation if the criteria above are not met.

C. Standing Committee on Communication Access

Committee Chairperson Gerald Isobe reported that no meeting was held. Board member Nikki Kepo'o informed members about Hawaii Hands and Voices, which provides support to parents of children who are deaf and hard of hearing has started up again. The Department of Education (DOE) Guide meant to help parents, teachers, and staff, understand how to transition children who are deaf and hard of hearing, and how to set-up classrooms for better education sources has not been finalized.

D. Standing Committee on Facility Access

There was no meeting held, and no report was provided.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on January 18, 2023. She reported that approximately seven thousand two hundred (7,200) placards and three hundred twenty (320) special license plates were issued in the second quarter of fiscal year 2023. Of the placards, about one thousand eight hundred eighty (1,880) were temporary, five thousand three hundred (5,300) were long term, and thirty-four (34) were Disabled Paid Parking Exemption Permits. Of the long term placards, approximately two thousand four hundred (2,400) were issued by DCAB. The renewal rate was sixty three percent (63%).

She reported that during the second quarter of this fiscal year, eight (8) inquiries were submitted through the DCAB webpage to report abuse of a disability parking placard, and no inquiries were made to the webpage to report noncompliant parking spaces. The Committee has been working with staff to design a voluntary sign that businesses can place at van accessible spaces indicating that priority should be given to vehicles with side mounted lifts or ramps. The Committee helped redesign the educational materials given with each placard. The material was simplified to cover the four (4) big areas of parking permit misuse and it includes improved illustrative graphics. The material has been distributed to issuing agencies.

She reported that during the second quarter of this fiscal year, nine hundred sixty-nine (969) email reminders were sent to permittees reminding them of their placard expiration date. A crosscheck with the Department of Health (DOH) Vital Records Branch flagged four thousand three hundred forty-four (4,344) placards of deceased permittees. Letters were sent to the estates of the deceased permittees. Of the responses received, one thousand seven hundred (1,700) placards were returned, three hundred fifty (350) were reported as being lost, and six hundred (600) letters were returned as undeliverable.

F. Special Parent Information Network

Board member Anthony Akamine reported on the Special Parent Information Network's (SPIN) activities. He reported that the second quarterly issue of the 2022-2023 school year included two (2) infographics featuring stress reduction and care mapping that were developed from October 2022 SPIN Conference presentations. Two (2) additional infographics--Parents and the Hawaii Multi-tiered System of Supports and the Legislative Process and You--were designed to give families tips on how to engage in school planning and the legislative process. The newsletter can be accessed at: <https://spinhawaii.org/wp-content/uploads/2022/12/Dec-2022-SPIN-News.pdf>

He reported that SPIN plans year-round in partnership with the DOE, the Community Children's Councils, the Developmental Disabilities Division, the

Division of Vocational Rehabilitation, and Hilopa'a, for the Footsteps to Transition Fair aimed at helping prepare students with disabilities and their families to transition to adult services, postsecondary education and employment. This year's virtual Fair is on Saturday, February 4, 2023, from 8:30 a.m. - 12:00 p.m. Topics include self-determination, certificate vs. diploma, work-based learning, and services from the Developmental Disabilities Division.

He reported that when SPIN Advisory Committee members realized last summer that it was not going to be possible to secure an in-person venue for the October 2022 SPIN Conference, planning was shifted to offer a two-part experience for school year 2022-2023--a mini virtual conference in October 2022 and a hybrid (in-person with Zoom access) event in April 2023. The tentative conference date is April 22, 2023, at UH-Manoa Campus Center, and it will feature twelve (12) workshop offerings, a resource fair for agencies serving children with disabilities and their families, and a luncheon award ceremony recognizing outstanding parents and professionals in the fields of special education, mental health, early intervention and community supports. SPIN invites Board members to nominate individuals for a 2023 award by filling out an award form found on the conference website: <https://spinconference.org/2023-conference/>. The conference website also includes registration forms and display table applications.

VII. Old Business

A. ADA Coordination

Kirby Shaw reported for Curtis Motoyama on ADA coordination activities. In November 2022, staff documented thirty-eight (38) technical assistance activities with the Pacific ADA Center. Assistance provided covered facility access, service animals, effective communication, transportation, fair housing, parking, and the Air Carrier Access Act. In previous months: October 2022, staff documented fifty-one (51) technical assistance activities, and the most common topics were facility access, service animals, effective communication; September 2022, staff documented thirty-two (32) technical assistance activities, and the most common topics were facility access, fair housing, and effective communication.

Staff met with the State ADA Coordinators on January 10, 2023, and the County ADA Coordinators on January 12, 2023. The meetings included a discussion about the ADA administrative requirements to provide an ADA notice and establish and publish grievance procedures. Staff provided the ADA Coordinators guidance to ensure their departments or agencies have an ADA notice and grievance procedures that are consistent with the U.S. Department of Justice (DOJ) tool kit template. Staff asked the State ADA Coordinators to provide DCAB a copy of their ADA notice and grievance procedures by April 11, 2023, which is the date of the next State ADA Coordinators meeting.

- B. 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. Update.

Kirby Shaw reported for Curtis Motoyama that the guidance document is being updated concurrently with the Programs and Services Reference Manual. The guidance includes the following updated sample statements:

"If you need an auxiliary aid/service or other accommodation due to a disability, contact [Name] at [phone number and email address] as soon as possible, preferably by [reply date]. If a response is received after [reply date], we will try to obtain the auxiliary aid/service or accommodation.

Upon request, this notice is available in alternate formats.

Or, if no reply date is provided:

If you need an auxiliary aid/service or other accommodation due to a disability, contact [Name] at [phone number and email address] as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats."

The guidance also includes the following information:

- Wording on how to request an auxiliary aid/service or other accommodation because of a disability should be placed directly on the document, flyer, or other form, and should not require an 'extra step' that requires the reader to find instructions elsewhere via a link or other research.
- Any deadline date listed for requesting an auxiliary aid/service or other accommodation for an open event is only a reply by date because the public entity shall continue to try to meet any request up to the scheduled time of the event.
- Any reply by date should take into consideration the date that the notice is made available to the public at large.
- If an event is conducted virtually, always include a phone number.

Guest Peter Fritz commented that he has advocated for accessibility for persons with disabilities on public hearings and notices. He stated that the Office of Information Practices (OIP) needs to include a phone number on notices. OIP in an opinion to him indicated that it is still in accordance with the Sunshine Law if no phone number is included. His second issue concerned the number of days to respond to a notice. There are numerous variations of time requested on notices. DCAB needs to address the issue to resolve the problem in connection with OIP, which would provide greater availability and distribution of information to a larger base of people who will

pay attention to OIP's language. There needs to be a standardization of advance notice of accommodation.

C. Disability and Communication Access Board Programs and Services Manual - Update.

Kirby Shaw reported that staff prepared a draft revised Manual and met with two (2) Board members to discuss the revisions. Some of the recommendations included:

- Historical reference to the Governor's Directive should be included in the Introduction and Purpose.
- Keep the chapter about customer service but remove the table with words to use and avoid when referring to a person with a disability.
- Review the Manual for consistent writing style and format, such as the use of questions and answers to provide guidance.
- Evaluate the need for checklists. If the facility access chapter will reference a checklist, then graphics should be included to provide a visual description of elements addressed in the checklist.

Staff will continue to work with the two (2) Board members to update the Manual.

Chairperson Violet Horvath asked if DCAB should review the Manual as part of the Plan of Action, for example, once a year; and asked whether staff has plans to ensure the Manual remains up to date. There may also be changes in technology and ADA rule changes, that may necessitate changes to the Manual. Guest Peter Fritz commented that the Manual should be reviewed annually to address any legislative changes.

D. U.S. Department of Transportation – Notice of Proposed Rulemaking – Enhancing Transparency of Airline Ancillary Service Fees. Requires air carriers to disclose family seating fees when fare and schedule information is provided and the ability to purchase those seats at all points of sale. Update on staff recommendation to amend the rule to prohibit a fee to seat a parent and a child with a disability who requires attention next to each other regardless of the child's age.

Bryan Mick reported that testimony was not submitted on Title 14, Chapter 11, sub-chapter F, which governs fares. The issue was already addressed by federal law as noted by Board member Pauline Aughe at the last Board meeting.

E. Emergency Preparedness Update

Kirby Shaw reported for Curtis Motoyama that staff is participating in DOH's Department Operations Center (DOC) public health preparedness functional exercise. One of the exercise objectives is to evaluate DOH's ability to establish and utilize avenues for public interaction and information exchange

with a specific focus on at-risk populations with access and functional needs. This may include evaluating mock press conferences and DOH's ability to effectively communicate with people with disabilities. In addition, the exercise will include injects that will evaluate DOH's ability to appropriately respond to specific scenarios. Injects are a piece of simulated information that is sent to the DOC and requires some type of action. For example, an inject may be a telephone call from an evacuation center volunteer who informs the DOC that the accessible restrooms are out of service because of a sewage backup at the center.

VIII. New Business

A. Draft letter to Governor Green to request increased number of reserved parking spaces for persons with disabilities in state parking facilities beyond the minimum Americans with Disabilities Act requirements.

Kirby Shaw reported that staff drafted a letter to the Governor requesting increasing the number of reserved parking spaces for persons with disabilities in state parking facilities beyond the minimum ADA requirements.

Board member Nikki Kepo'o asked who enforces the misuse of the stalls and what is the penalty. Bryan Mick responded that it is an ongoing problem and that the Department of Accounting and General Services (DAGS) does a good job at trying to enforce the law. The Honolulu Police Department (HPD) has their Volunteer Special Enforcement Officers Program with seventeen or eighteen (17-18) volunteers however it is not enough to cover all of Oahu. DCAB has a webpage for people to report misuse of a permit. Staff anticipates future legislation to increase the penalties for misuse to address this issue.

Board member Gerald Isobe asked whether there was a better way to identify permittees in addition to the placard or license plate, such as a sticker on the license plate. There should be some sort of penalty or financial burden for people who abuse the use of the accessible spaces.

Bryan Mick said that the Parking Committee looked at a placard from the State of Illinois. A State of Illinois statute has a penalty that calls for the suspension of a driver's license when a placard that was assigned to someone else is misused. An idea for potential repercussion that we will look at in the future.

The Board voted to forward the letter to the Governor (M/S/P Townsend/Ohta).

B. Draft letter to places of public accommodation to request increased number of reserved parking spaces for persons with disabilities in their parking facilities beyond on the minimum Americans with Disabilities Act requirements.

Bryan Mick reported that that the Parking Committee reviewed a draft letter to places of public accommodation to request increasing the number of reserved parking spaces for persons with disabilities beyond the minimum ADA

requirements. There are accessibility issues that the Committee would like to address in the letter. A draft letter should be ready for review at the next meeting.

IX. Open Forum

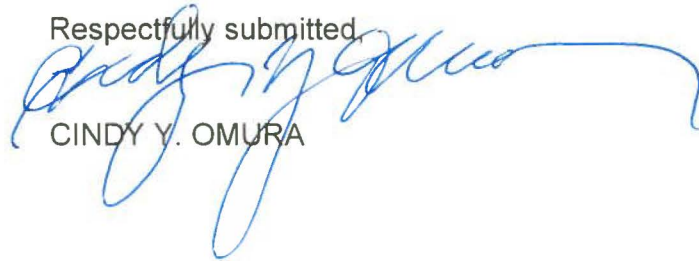
Guest Peter Fritz noted that the numbering on the meeting agenda was incorrect, but it could have been an automatic numbering difference.

X. Chairperson Violet Horvath announced the next meeting is scheduled for March 16, 2023 beginning at 11:00 a.m.

XI. The meeting was adjourned at 12:58 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Cindy Y. Omura", is written over the typed name.

CINDY Y. OMURA



DISABILITY AND COMMUNICATION ACCESS BOARD

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

DRAFT MINUTES

Disability and Communication Access Board General Board Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118
Date: November 17, 2022
Time: 11:00 a.m. – 1:00 p.m.

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

ABSENT: Anthony Akamine, Ronald Awa, Justin Tokioka, Board Members

GUESTS: Peter Fritz; Donald Sakamoto, Citizens for a Fair ADA Ride; Teri Spinola-Campbell; Annette Tashiro, State Rehabilitation Council

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

REAL TIME

CAPTIONER: April Chandler

- I. Chairperson Violet Horvath called the meeting to order at 11:07 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. Chairperson Violet Horvath welcomed Teri Spinola-Campbell who will join the Board as an appointed member.
- III. Statement from Public and Written Testimonies Submitted

No public testimony was submitted.
- IV. Minutes of the September 30, 2022 General meeting were approved as circulated (M/S/P Kepo'o/Daniel-Kanetake; Abstain: Aughe).
- V. Executive Director's Report

Kirby Shaw reported that the DCAB Annual Report is almost complete. The Facility Access and Parking Annual Reports are nearing completion. Staff will forward the Reports to Board members upon completion.

He also reported that staff is meeting with the Office of Enterprise Technology Services (ETS) and will share the draft Hawaii Electronic Information Technology Disability Access Standards when ready with Board members.

Recruitment is continuing for the Communication Access Specialist position. Staff met with the Standing Committee on Communication Access and discussed how to open the pool to prospective applicants.

VI. Committee Reports

A. Executive Committee

There was no meeting held, and no report was provided.

B. Legislative Committee

Curtis Motoyama reported that in preparation for the upcoming legislative session, the Legislative Committee will hold a meeting in December.

C. Standing Committee on Communication Access

Committee Chairperson Gerald Isobe reported that the Committee met on November 16, 2022. A workshop coordinated by Hand Ninjas and presented by Max of Definitely Dope is scheduled for November 19, 2022. Currently, there are forty (40) American Sign Language (ASL) interpreters with Hawaii Quality Assurance System (HQAS) credentials and twenty six (26) in the Continuing Education Program. Staff will be posting videos for the Hawaii Civil Rights Commission (HCRC) on what are my rights, communication, employment discrimination, housing discrimination, and filing a complaint with HCRC.

Board member Gerald Ohta asked if the number of interpreters is sufficient for the state and counties. Kristine Pagano responded that forty (40) interpreters is not enough statewide, with a number of interpreters who have relocated to the mainland. The goal is to increase the number of interpreters, but Hawaii does not have an interpreter training program. She tried to work with Kapiolani Community College (KCC) to restart the interpreter training program. The University of Hawaii (UH) has a course about ASL interpreting and hopefully will start an interpreting program.

Chairperson Violet Horvath shared concerns about increasing the quantity and quality of healthcare interactions for persons with disabilities and obtaining sign language interpreters for medical, dental, behavioral health, mental health interactions is an ongoing issue.

Board member Gerald Ohta asked for clarification about the appropriate number of interpreters. Committee member Nikki Kepo'o shared that there is not an exact number that should be reached; the goal may be one hundred (100) qualified interpreters. It's an issue statewide, but mostly on the neighbor islands. It is also challenging to find a qualified interpreter within the necessary timeframe.

Committee Chairperson Gerald Isobe expressed the need to coordinate with the Department of Education (DOE), KCC, and UH to increase the number of interpreters. Kirby Shaw shared that the lack of local interpreters forces reliance on video remote interpreting.

Board member Charlotte Townsend inquired about the KCC Interpreter Program. KCC still offers ASL classes, but there are no interpreter training classes; it has been about fifteen to twenty (15-20) years without an interpreter training program. The Education Interpreter Training Program trains interpreters in the education field from preschool to grade 12. The DOE interpreting credentials are different than DCAB's interpreting credentials.

Chairperson Violet Horvath noted that Ami Tsuji-Jones resigned from the Board for personal reasons.

D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Committee met on November 2, 2022 and discussed the Facility Access Unit (FAU) Fall training schedule. The FAU scheduled five (5) Basic Training Sessions for Fall 2022 on Chapters 3 through 10 and Education Facilities.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on November 10, 2022. She reported that approximately six thousand eight hundred (6,800) placards and three hundred ten (310) special license plates were issued in the first quarter of fiscal year 2023. Of the placards, one thousand seven hundred (1,700) were temporary, five thousand one hundred (5,100) were long term, and thirty two (32) were Disabled Paid Parking Exemption Permits. Of the long term placards, two thousand one hundred (2,100) were issued by DCAB. The renewal rate was fifty eight percent (58%).

She reported that during the first quarter of this fiscal year, six (6) inquiries were submitted through the DCAB webpage to report abuse of a disability parking permit and three (3) inquiries were made to the page to report noncompliant parking spaces. The Committee is working with staff to design a voluntary sign that businesses can place on van accessible spaces indicating that priority should be given to vehicles with side mounted ramps or lifts. The Committee is working with staff to redesign the brochure (which will include images for clarity) that is issued with parking permits, instructing the permittees on how to properly use their permit to park. One thousand forty (1,040) reminder emails were sent to permittees to notify them of their placard expiration date. A crosscheck with the Department of Health (DOH) Vital Records flagged four thousand three hundred forty four (4,344) placards of deceased permittees. Letters were sent to the estates of deceased permittees. Responses were received: one thousand two hundred ninety (1,290) placards were returned, two hundred seventy three (273) were reported lost, and five hundred sixty six (566) letters were returned as undeliverable.

F. Special Parent Information Network

Susan Rocco reported that based on the feedback of the October 7, 2022 SPIN Conference, it was considered a success in delivering helpful information in a friendly and engaging learning environment. The three (3) successive workshops, attended by one hundred (100) or more participants, received high praise. Of the stakeholder groups attending, the mix was evenly split between family members (parents, persons with disabilities, family members) and professionals. The vast majority of the attendees were from Oahu, and Hawaii County had the next largest representation. SPIN would

like to extend its thanks to the SPIN Advisory Committee members--including DCAB Board member Anthony Akamine--who helped deliver a well-planned, well-resourced conference. The Committee is now gearing up for a hybrid in-person/virtual conference in mid-April 2023.

She reported that she and Amanda Kaahanui participated in a Community Resource Fair held at the Mililani Town Center and sponsored by the DOE Central District; a panel presentation at the 2022 Hawaii Book and Music Festival on "Raising Awareness about Autism, Inclusion and Family Support in Hawaii." Fellow panelists included Dr. May Okihiro, a pediatrician and John A. Burns School of Medicine professor, and Dr. Jeffrey Stern, a psychology and Chaminade University professor. Finally, she and another parent, Melissa Harper Osai, were asked by the Hawaii Childrens' Action Network to present on "Family Strengthening for Families of Children with Disabilities."

She reported that the SPIN Newsletter October issue was the first regular newsletter of the 2022-2023 school year. It included four (4) new infographics, including "How to Help Your Teen Get More Sleep," "Keeping Safe from Monkeypox," "Mindfulness for Keiki: Tools for Self-Calming," and "Support for Families." The latter was designed and vetted by the Hawaii DOE and partner agencies, including SPIN, as a parent handout that contains a description and contact information for six (6) key agencies supporting families of school-aged children with disabilities.

VII. Old Business

A. ADA Coordination

Curtis Motoyama reported that staff documented forty seven (47) technical assistance activities in September, and fifty nine (59) in October. Common technical assistance subject matters included facility access, service animals, emotional support animals, obtaining ASL interpreters, transcribing a document into Braille, accessible word and PDF documents, and accessible meeting agendas and event notices.

B. 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. Update.

Curtis Motoyama reported that staff is reviewing and updating the guidance document concurrently with the Programs and Services Manual update. This should ensure consistency between the guidance document and the Manual. Revisions to the guidance document that staff is considering includes removing "guarantee" and "Braille" from the sample language.

C. Disability and Communication Access Board Programs and Services Manual - Update.

Kirby Shaw reported that he consulted with the Office of Information Practices (OIP) to confirm that the Sunshine Law would permit two (2) Board members to interact with each other and staff concerning the Manual. No appointment by the Board or defining of their role and authority would be required. Board members Charlotte Townsend and Gerald Ohta agreed to review and provide input regarding Manual revisions.

Curtis Motoyama reported that Board members Charlotte Townsend and Gerald Ohta met with staff and provided the following recommendations:

- Revise the title to Programs and Services Reference Manual.

- Make the purpose of the Manual prominent and emphasize that it is a reference guide and not legally binding if it is not followed.
- Eliminate superfluous information and reduce the overall size of the Manual.
- Focus on guidance that ADA Coordinators need to implement ADA requirements by placing information contained in the attachments into the body of the Manual instead of at the back of the Manual.
- Write the Manual in a consistent style.
- Use the Hawaiian Dictionary to include diacritical marks, such as kahako (macron) and okina (glottal stop).
- Include checklists because they are a helpful tool.

Due to this Manual reorganization, staff expects to develop a draft and ask for input before the next Board meeting with discussion at the next meeting. Staff will continue to work with Board members Charlotte Townsend and Gerald Ohta to develop the Manual. Staff is planning to prioritize sections of the Manual, such as the sections about Announcements and Publicity Materials, Virtual Meetings and Events, and Service Animals. As sections are finalized, staff would like to post sections on the ADA Coordinators website. When all sections are finalized and posted on the ADA Coordinators website, staff will provide all ADA Coordinators with a hardcopy of the entire Manual.

Board member Charlotte Townsend shared that DCAB would be consistent with the Department of Justice technical assistance that these requirements are the foundation of the guidance of the Manual.

Chairperson Violet Horvath asked about diacritical marks. Board member Charlotte Townsend shared that the Manual should have diacritical marks to make technology evolve to address these marks.

VIII New Business

A. U.S. Department of Transportation – Notice of Proposed Rulemaking – Enhancing Transparency of Airline Ancillary Service Fees – Staff Summary.

Bryan Mick referred Board members to the staff summary. Board members asked if the rules applied to caregivers and about the definition of a family member.

Guest Teri Spinola-Campbell mentioned that the rule should not be restricted to children and should consider caregivers that need to be seated next to a spouse.

Board member Pauline Aughe ask how often complaints are filed about additional cost when a parent needs to sit next to their child. She agreed that someone with a disability should be able to sit next to their family member. She asked if the policy is addressed by the U.S. Department of Transportation or the individual airline. She shared that comments should stress training for the airlines.

Board member Charlotte Townsend asked if the Notice of Proposed Rulemaking (NPRM) amends the Air Carrier Amendments Act (ACAA). Bryan Mick reported that this NPRM does not appear to amend the ACAA.

Board member Pauline Aughe asked if the staff recommendation is asking for a fee exemption or transparency about fees. She also asked if there is an existing requirement about the fee. Board member Charlotte Townsend suggested including a

definition of family that is more comprehensive. Board member Gerald Ohta mentioned that comments should address the needs of a person with a disability and the person traveling with that disabled person.

The Board voted to approve the staff recommendation in support of the rule and to create a separate prohibition for anyone with a disability who needs to be seated with a caregiver (M/S/P Kepo'o/Ohta).

C. Emergency Preparedness Update.

Curtis Motoyama reported that DCAB was invited to participate in a DOH Public Health Preparedness Exercise that will simulate a tsunami event. Staff has been and will continue to attend the planning meetings. The exercise is scheduled for January 19, 2023. The purpose of the exercise is to test policies and procedures with a focus on public health issues, such as post-tsunami public notification of unsafe drinking water. DCAB's role in this exercise is likely to be as a resource for technical assistance and guidance relative to access for people with disabilities, such as obtaining ASL interpreters for press conferences.

He reported that [Hurricane Ian impacted an estimated 1.2 million Florida residents with disabilities](#). In preparation for Hurricane Ian, the Florida Department of Health notified people with disabilities and special needs, such as medical conditions, that they should pre-register with the [Florida Special Needs Shelters Registry](#). This registry enrolls people with disabilities and special needs so they can be assisted quickly during an emergency and receive important information regarding evacuation and available sheltering options. Kirby Shaw mentioned that the City and County of Honolulu had a registry but there was no guarantee that first responders would provide assistance. The concern was that the registry provided a false sense of security. Board member Charlotte Townsend shared that the registry was not implemented because a guarantee could not be provided.

Curtis Motoyama reported that DCAB participated in development of the [2009 Interagency Action Plan for the Emergency Preparedness of People with Disabilities and Special Needs](#). The Action Plan is not an emergency preparedness document or a special needs response plan. It is a roadmap to ensure that other legislative, administrative, or programmatic efforts are inclusive of the issues of people with disabilities or special health needs. The Action Plan sets forth seven (7) goals related to evacuation shelters, sheltering-in-place, developing a personal evacuation plan, education, notification of emergencies, and developing a personal evacuation transportation plan. Each goal includes objectives, and each objective identifies the agencies responsible for implementing the objective. For example, Objective 1.1 under Goal 1 is to retrofit all public emergency evacuation shelters to meet baseline facility requirements for hardening and accessibility. The State Civil Defense, Department of Education, and County Civil Defense Agencies are responsible for implementing this objective.

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

Guest Donald Sakamoto shared that restaurant and retail websites are not receptive to screen readers used by people who are blind. Board member Nikki Kepo'o mentioned that this topic could be discussed by the Standing Committee on Communication Access.

- X. Chairperson Violet Horvath announced the next meeting is scheduled for January 19, 2023 beginning at 11:00 a.m.
- XI. The meeting adjourned at 1:03 p.m..

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

KIRBY L. SHAW

SPIN Report November 2022

October SPIN Conference Evaluations

Based on the feedback of many of our audience members, the October 22nd **SPIN Conference** was considered a success in delivering helpful information in a friendly and engaging learning environment. The three successive workshops, attended by 100 or more participants, received high praise (see attached conference evaluation results). Of the stakeholder groups attending, the mix was evenly split between family members (parents, persons with disabilities, family members) and professionals). The vast majority of the attendees were from Oahu (76 individuals), and Hawaii County had the next largest representation (14 individuals). SPIN would like to extend our thanks to our SPIN Advisory Committee members--including DCAB Board member Anthony Akamine--who helped deliver a well-planned, well-resourced conference. The Committee is now gearing up for a hybrid in-person/virtual conference in mid April 2023.

SPIN Presentations

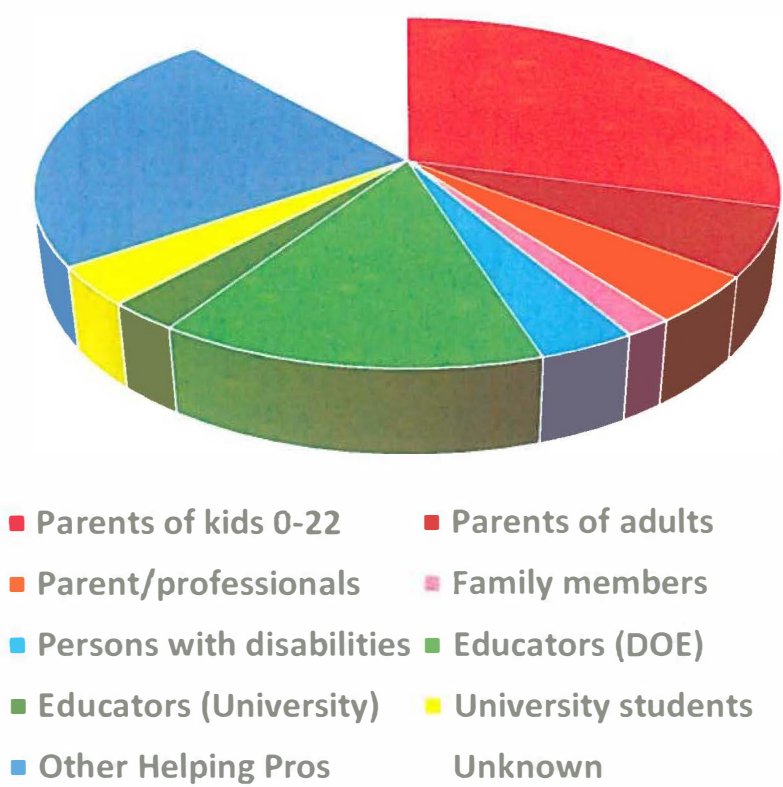
Susan and Amanda participated in three community events during the month of October. The first was a Community Resource Fair held at the Mililani Town Center and sponsored by Central District (Department of Education). Next was a panel presentation at the 2022 Hawaii Book and Music Festival on "Raising Awareness about Autism, Inclusion and Family Support in Hawaii. Fellow panelists included Dr. May Okihiro, a pediatrician and JABSOM professor, and Dr. Jeffrey Stern, a psychology and Chaminade University professor. Finally, Susan and another parent, Melissa Harper Osai, were asked by the Hawaii Childrens' Action Network to present on Family Strengthening for Families of Children with Disabilities.

SPIN Newsletter - October 2022 Edition

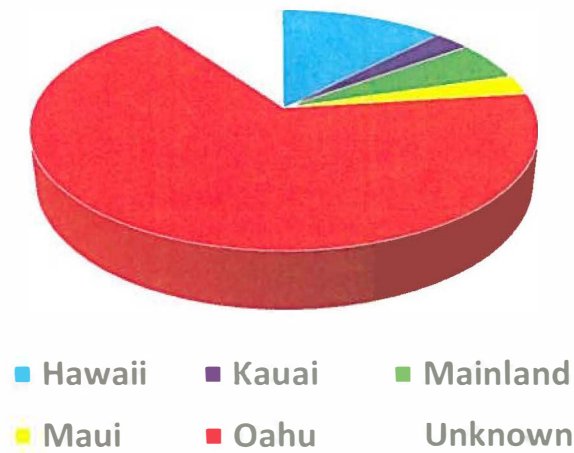
The October issue was the first regular newsletter of the 2022-23 School Year. It included four new infographics, including "How to Help Your Teen Get More Sleep," "Keeping Safe from Monkeypox," "Mindfulness for Keiki: Tools for Self-Calming," and "Support for Families." The latter was designed and vetted by the Hawaii Department of Education and partner agencies, including SPIN, as a parent handout that contains a description and contact information for six key agencies supporting families of school-aged children with disabilities.

Conference Demographics

Conference Stakeholders



Attendee by Location





DISABILITY AND COMMUNICATION ACCESS BOARD

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

STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING November 17, 2022

TOPIC: U.S. Department of Transportation – Notice of Proposed Rulemaking – Enhancing Transparency of Airline Ancillary Service Fees

SUMMARY:

The U.S. Department of Transportation (DOT) issued a Notice of Proposed Rulemaking (NPRM) on October 20, 2022, which proposed that various ancillary fees relating to air travel, often not disclosed at the initial point of purchase, to be disclosed at all times. Comments are due by December 19, 2022. These fees are baggage, flight changes, flight cancellations, and family seating fees and policies regarding children under the age of 13.

ANALYSIS:

The family fees and policies are important to families who have children with disabilities. In some cases, parents may think they can only travel if they are seated next to the child. For instance, there might be a child with disabilities where the parent needs to monitor the child for signs of low sugar and administer food or insulin if necessary. In July 2022, DOT issued a "Notice Encouraging U.S. Airlines to Have Policies That Enable Children to Be Seated Adjacent to an Accompanying Adult to the Maximum Extent Practicable and at No Additional Cost." In the notice, the Department provides that airlines should do everything that they can to ensure the ability of parents to sit next to their young children, including allowing every young child to sit next to a parent without charging fees for adjacent seating. While this NPRM does not require a waiver of fees, it would require the disclosure of the family seating fees when fare and schedule information is provided and the ability to purchase those seats at all points of sale, which would promote better informed buyers, enhanced competition, and possibly lead to lower prices.

STAFF RECOMMENDATION:

DCAB should support the NPRM, but advocate that it be further amended to prohibit a fee to seat a parent and a child with a disability who requires attention next to each other regardless of the child's age.



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MINUTES Legislative Committee Meeting

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

Date: December 13, 2022

Time: 12:00 p.m. to 1:00 p.m.

PRESENT: Dean Georgiev, Chairperson; Anthony Akamine, Violet Horvath, Board Members;
Kirby Shaw, Kristine Pagano, Bryan Mick, Curtis Motoyama, Staff

ABSENT: Rosanna Daniel-Kanetake, Board Member

SIGN LANGUAGE

INTERPRETER: Mala Arkin

REAL TIME

CAPTIONER: April Chandler

I. Chairperson Dean Georgiev called the meeting to order at 12:08 p.m.

II. Board members and staff introduced themselves.

III. Curtis Motoyama reported that no testimonies were submitted.

IV. DCAB Legislative Procedures

A. Review of DCAB Legislative Position Statements and Determine Subject Matter Categories for 32nd Legislature, 2023 Bills

Curtis Motoyama reported that the 2023 legislative position statements and subject matter categories are the same as the 2022 legislative position statements and subject matter categories except for the following substantive changes:

- Under Parking, removed position statement to "Support the "Dollar Bill" to fund DCAB's parking program."
- Under Parking, added a new position statement to "Support legislation to authorize the counties to enforce design requirements for accessible parking." Section 291-58, Hawaii Revised Statutes, provides a penalty for private entities that do not comply with State accessible parking space design requirements, but the provision has not been enforced. DCAB is planning to seek an amendment to this statute that would authorize each county to enact an ordinance to allow county employees to enforce the ADA and State accessible parking space design requirements with penalties.
- Under Other, revised position statement to "Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale

of mobility enhancing equipment or durable medical equipment, hearing aids, prosthetic devices, and prescription drugs sold pursuant to a licensed practicing physician's prescription when the basis for the acquisition of the item is due to a person's disability. The revision added "licensed practicing physician's" to clarify who issues the prescription.

The Committee voted to approve the 2023 legislative positions statements and subject matter categories (M/S/P Horvath/Akamine).

B. Determining Types of Positions to Take on Bills

Curtis Motoyama reported that the types of positions to take on bills are the same as last year.

- Support – DCAB supports the bill's subject matter without suggesting changes. Requires written testimony.
- Support Intent – DCAB supports the concept of the bill and suggests changes. Requires written testimony.
- Oppose – DCAB is against the concept of the bill and suggest amendments to the bill. Requires written testimony.
- No Position – Comments – DCAB staff understands and empathizes with the intent of the bill and offers comments about how to amend the bill. Requires written testimony.
- Monitor – DCAB staff tracks the bill and if necessary, brings to the Committee when the bill may have an impact on the disability community. No written testimony required.

The Committee voted to approve the types of positions to take on bills (M/S/P Horvath/Akamine).

V. Rule on Time Limits on Public Testimonies/Comments

Chairperson Dean Georgiev shared that he discussed with Curtis Motoyama adoption of a two-minute time limit rule. Board member Anthony Akamine felt that a rule would be good to help the flow of the meeting. Board member Violet Horvath agreed and felt that a rule would be a good balance of the public's right to comment and the Committee's ability to conduct business. Curtis Motoyama suggested the following time limit rule for Committee meetings:

"Testimony or comments presented by members of the public during Legislative Committee meetings shall be limited to two 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 of comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Legislative Committee meeting agendas."

The Committee voted to adopt the rule (M/S/P Akamine/Horvath). Kirby Shaw suggested including the following second rule that clarifies when public comment is closed, and the Committee members can deliberate uninterrupted.

"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."

The Committee voted to approve the second rule with the change to replace Board with Legislative Committee (M/S/P Horvath/Akamine). Staff should monitor public participation by unmuting the public when it is the individual's opportunity to testify and monitor the time limit. Committee members and staff agreed that the public should be encouraged to submit testimony in advance of the meeting.

The Committee would like to use a digital timer to keep track of testimony by members of the public in subsequent meetings.

VI. Open Forum

There was no public comment on issues not on the agenda for consideration for the Committee's agenda at the next meeting.

VII. Next Meeting

The next Committee meeting is scheduled for January 17, 2023 beginning at 2:00 p.m. and ending at 3:00 p.m. The Committee is scheduled to meet weekly starting on January 27, 2023 beginning at 12:00 p.m. and ending at 1:00 p.m.

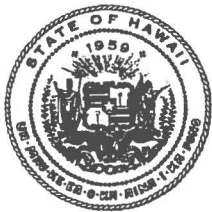
VIII. The meeting adjourned at 1:04 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

/s/

CURTIS S. MOTOYAMA



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Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 586-8129 TTY

DRAFT DCAB LEGISLATIVE POSITION STATEMENTS

2023 Legislature

(as of January xx, 2023)

Due to the rapid pace of the Legislature and short testimony deadlines that do not always allow for bringing a measure to the attention of the DCAB Legislative Committee, the following position statements will facilitate the timely preparation and submittal of testimony on bills and resolutions during the 2023 Legislature.

The following is not an exhaustive list of issues and positions. It is based on consistency of positions taken on similar issues during the most recent Legislative sessions. In addition, there are two new measures that will be introduced.

Parking

- Oppose legislation to revert to "free meter parking" for all permit holders.
- Support legislation to increase the minimum number of parking spaces for persons with disabilities or study the issue.
- Support legislation to improve enforcement, provided that law enforcement is able to implement the provisions.
- Oppose legislation to issue disability parking permits to people solely on the basis of vision loss, pregnancy, age, developmental disability, behavioral, or other non-mobility related condition.
- Oppose legislation to issue disability parking permits to agencies or transportation companies.
- Support legislation to authorize the counties to enforce design requirements for accessible parking.

Non-discrimination Against Persons with Disabilities/Civil Rights

- Support legislation for the provision of reasonable modification of policies, practices and procedures in state government programs and services to provide for equal access for persons with disabilities (this could impact many different

programs).

- Oppose legislation for separate identification cards for people with disabilities in addition to a driver's license or a state identification card.
- Provide comments on the provision of state government services to ensure that the needs of persons with disabilities are taken into consideration without supporting or opposing the underlying service.
- Provide comments on the process of voting to ensure that the needs of persons with disabilities are taken into consideration.
- Support legislation that requires the House and Senate to permit remote testimony, via telephone, at public hearings.

Communication Access

- Support legislation to maintain or increase captioning provisions in movie theaters.
- Support efforts to include increased access to on-line state information (to include, but not be limited to website accessibility, social media platforms, and digital information provided through kiosks or other similar means) with funding for implementation.

Service and Other Animals

- Support state legislation to clarify state law to be consistent with federal law, but not to exceed federal law in areas such as certification or licensure. Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Oppose expansion of service animal legislation to assistance animals or other emotional support animals in settings other than housing already required under federal and state law.

Building Code, Design, and Facility Access

- Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by Titles II and III of the ADA.
- Oppose legislation that would require DCAB to perform tasks that DCAB staff have no expertise.

Community Based Services and Employment

- Support legislation to increase reimbursement for hearing aids.
- Support legislation to require the Department of Human Services (DHS) to establish a Medicaid buy-in program for workers with disabilities.

Transportation and Mobility

- Support legislation following the "DCAB Guiding Principles on the Mobility and Safety of Pedestrians with Disabilities" and "DCAB Guiding Principles on Public Transit Fixed Route Bus and Paratransit Services."

Emergency Preparedness

- Support legislation to ensure the inclusion of persons with disabilities in emergency preparedness efforts; including planning, exercises, notifications, emergency sheltering, and mitigation and recovery efforts.

Administration

- Support legislation consistent with facilitating the operation of DCAB as a Board or Commission.
- Oppose legislation that would change the status of the DCAB Special Fund.

Other

- Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale of mobility enhancing equipment or durable medical equipment, hearing aids, prosthetic devices, and prescription drugs sold pursuant to a licensed practicing physician's prescription when the basis for the acquisition of the item is due to a person's disability.
- Support legislation that includes a representative from DCAB on a task force if the bill or resolution includes a position above and only if there is adequate staffing to attend and participate in meetings. Oppose the legislation if the criteria above are not met.



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DRAFT MINUTES **Legislative Committee Meeting**

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

Date: January 17, 2023

Time: 2:00 p.m. to 3:00 p.m.

PRESENT: Dean Georgiev, Chairperson; Anthony Akamine, Rosanna Daniel-Kanetake, Violet Horvath, Board Members; Kirby Shaw, Bryan Mick, Curtis Motoyama, Staff

- I. Chairperson Dean Georgiev called the meeting to order at 2:02 p.m.
- II. Board members and staff introduced themselves.
- III. Curtis Motoyama reported that no testimonies were submitted.
- IV. The December 13, 2022 Legislative Committee meeting minutes were approved as circulated (M/S/P Horvath/Akamine).
- V. Proposed Legislation to Amend §291-58, HRS Authorizing the Counties to Enforce Accessible Parking Requirements

Curtis Motoyama reported that staff met with Senator Chris Lee, Chair of the Senate Committee on Transportation and Culture and the Arts, to discuss introduction of a bill to amend §291-58, Hawaii Revised Statutes (HRS). The proposed amendment would authorize the counties to adopt ordinances to enforce the design and construction requirements of the federal ADA and state parking rules, such as the minimum number, location, size, slope, markings, and signage. Staff have reached out to each county's building department official to inform them about the potential legislation and ask for their thoughts on whether their building inspectors could enforce an ordinance. The City and County of Honolulu and the County of Kauai have responded that their inspectors could enforce an ordinance, but Honolulu has concerns about staffing and resources. If a bill is introduced, DCAB staff will include the bill in a future Legislative Committee meeting for discussion. Kirby Shaw mentioned that the City and County of Honolulu and the County of Kauai official didn't oppose the proposed legislation. Also, Kirby Shaw mentioned that staff needs to reconnect with Representative Chris Todd's Office, because they may have misunderstood the proposed legislation.

Committee member Violet Horvath felt that the proposed legislation is a step in the right direction but is this enough. Kirby Shaw mentioned that staff is taking two actions. Staff prepared a draft letter to the Office of the Governor to request an administrative directive that provides state departments and agencies guidance about state parking facilities that should exceed the minimum number of accessible

parking spaces required under the ADA. In addition, staff prepared a draft template letter that could be sent to private entities that own or operate places of public accommodation with parking facilities. This letter requests that private entities exceed the minimum number of accessible parking spaces under the ADA and maintain accessible elements, such as parking spaces and accessible routes. Both draft letters are on the agendas of the upcoming Standing Committee on Parking and General meetings.

Chairperson Dean Georgiev asked staff if there are parking facilities that would be excluded from the proposed legislation, such as accessible parking in residential facilities. Kirby Shaw mentioned that this proposed legislation would only apply to places of public accommodation. However, Senator Lee broached the larger topic about access for people with disabilities that could be introduced in future legislation. Staff sent Senator Lee's Office a list of access priorities for persons with disabilities, which included accessible residential facilities.

Committee member Violet Horvath ask if there is a timetable for the proposed parking legislation. Kirby Shaw mentioned that the first step is to get the bill introduced and through the Legislature, and the next step would be to work with each county to introduce and pass an ordinance to enforce accessible parking design requirements.

VI. Open Forum

There was no public comment on issues not on the agenda for consideration for the Committee's agenda at the next meeting.

VII. Next Meeting

The Committee is scheduled to meet weekly starting on January 27, 2023 beginning at 12:00 p.m. and ending at 1:00 p.m.

VIII. The meeting adjourned at 2:22 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

CURTIS S. MOTOYAMA