



## **DISABILITY AND COMMUNICATION ACCESS BOARD**

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

### **NOTICE OF MEETING**

#### **Disability and Communication Access Board**

#### **General Board Meeting**

March 16, 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/91018343725> and enter Meeting ID: 910 1834 3725

#### **To join by phone**

Dial 1 669 900 6833 and enter Meeting ID: 910 1834 3725

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

### **AGENDA**

- I. Call to Order  
Review Remote Meeting Procedures
  - This meeting is being recorded.
  - A quorum of Committee members is required to be visible on screen.
  - Raise hand to speak unless called upon.
  - Identify yourself before speaking.
- II. Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. Approval of General Board Meeting Minutes of February 2, 2023
- V. Executive Director's Report
  - Update on Senate Bill 384 SD1 – Relating to Access for Disabled Persons. Authorizes each county to adopt ordinances to enforce the design, construction, and signage requirements of the federal Americans with Disabilities Act of 1990, as amended; part III of chapter 291, Hawai'i Revised Statutes; and any administrative rules adopted under that part, including the establishment of penalties for failure to comply with the ordinance. Clarifies that an official appointed by a county may enter property of places of public accommodation to enforce violations of the ordinances adopted by the county.
  - Update on Act 172, SLH 2022 - Hawaii Electronic Information Technology Accessibility Act – Working Group progress on developing the "Hawaii Electronic Information Technology Disability Access Standards."
  - Update on Communication Access Specialist Position Recruitment.
- VI. Committee Reports
  - A. Executive Committee  
No meeting held. No report.
  - B. Legislative Committee

- Ratification of Legislative Committee minutes of February 3, 2023, February 10, 2023, February 17, 2023, February 24, 2023, and March 3, 2023.
- Revised DCAB Legislative Position Statements to include a position to read, "Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by the Fair Housing Act (example, require elevators, require a percentage of units be on ground floor)."

C. Standing Committee on Communication Access

- Communication Access Program Report on the number of interpreters with the Hawaii State Sign Language Interpreter Credential and the number of interpreters enrolled in the Continuing Education Program. Update.
- Status of Communication Access Related Legislation
  1. House Bill 834, HD1 and Senate Bill 610 – Relating to American Sign Language. Recognizes American Sign Language as a fully developed, autonomous natural language with its own grammar, syntax, vocabulary, and culture heritage.
  2. House Bill 935 and Senate Bill 606, SD1 – Relating to Hearing Aids. Exempts from the general excise tax, gross receipts received from the sale of hearing aids.
- Address the Shortage of American Sign Language (ASL) Interpreters in Hawaii – Report on community concerns and need for more ASL interpreters.

D. Standing Committee on Facility Access

- Interpretive Opinion DCAB 2023-01 Towel Bars or Rings at Clear Floor Space.
- Report on plans for upcoming training for Spring and 2023 Disability Access Conference.

E. Standing Committee on Parking

- Statistics on the issuance of disability parking permits.
- Report on the number of submissions via the webpage to report the misuse of disability parking permits and the webpage to report reserved parking spaces for persons with disabilities that do not comply with the Americans with Disabilities Act and or State design requirements.
- 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.
- Statistics on the number of emails sent to permittees regarding a pending disability parking permit expiration.
- Update on the number of placards returned in response to a letter sent to the estates of deceased permittees.

F. Special Parent Information Network

- Update on the SPIN Conference for families of children with disabilities and helping professions.
- Report on the Footsteps to Transition Fair for students with disabilities and their families transitioning to adult services held on February 4, 2023.

## VII. 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. Emergency Preparedness Update
  - Report on the Department of Health's Department Operations Center (DOC) public health preparedness functional exercise held on January 19, 2023.
- E. Update on letter to Governor Green requesting to increase the number of reserved parking spaces for persons with disabilities in state parking facilities beyond the minimum Americans with Disabilities Act requirements
- F. Update on letter to places of public accommodation to request increased number of reserved parking spaces for persons with disabilities in their parking facilities beyond the minimum Americans with Disabilities Act requirements

## VIII. New Business

- A. Proposal to form a Standing Committee on Transportation to focus on public and private modes of transportation, including bus, paratransit, rail and air travel.
- IX. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meeting.
- X. Next Meeting
- XI. Adjournment

If you require an auxiliary aid or service for a disability or other accommodation to participate in the meeting, please contact Scott Castor at (808) 586-8121 or email [dcab@doh.hawaii.gov](mailto: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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### MINUTES

#### Disability and Communication Access Board General Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118  
Date: March 16, 2023  
Time: 11:00 a.m.

PRESENT: Dean Georgiev, Vice-Chairperson; Anthony Akamine, Pauline Aughe, Ron Awa, Scott Fleming, Gerald Isobe, Marie Kimmey, Summer Kozai, Michael Nojima, Gerald Ohta, Teri Spinola-Campbell, Charlotte Townsend, Board Members; Kirby Shaw, Kristine Pagano, Curtis Motoyama, Bryan Mick, Duane Buote, Sue Radcliffe, Scott Castor, Cindy Omura, Staff

ABSENT: Violet Horvath, Chairperson; Rosanna Daniel-Kanetake, Nikki Kepo'o, Justin Tokioka, Board Members

GUESTS: Peter Fritz, Donald Sakamoto, Sherry Shimizu

#### SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

#### REAL TIME

CAPTIONERS: April Chandler and Valerie Ransom

I. Vice Chairperson Dean Georgiev called the meeting to order at 11:05 a.m. He provided information about testimony or comments presented by members of the public during Board meetings.

II. Roll was called and Board members, staff, and guests introduced themselves.

#### III. Statement from Public and Written Testimonies Submitted

DCAB staff indicated that no public testimony was submitted. Guest Peter Fritz said he submitted testimony and it should have been distributed to Board members. He said his testimony was on: 1) DCAB's policy manual; 2) how to deal with remote meetings; 3) guidance on provision of auxiliary aids and services and how it has not been updated for seven years, and the lack of consistency with language on meeting agendas regarding provision of accommodations.

#### IV. Approval of General Board Meeting Minutes of February 2, 2023

Minutes of the February 2, 2023 General meeting were approved as circulated (M/S/P Townsend/Kimmey).

V. Executive Director's Report

Kirby Shaw provided an update on the status of Senate Bill (SB) 384, SD1 – Relating to Access for Disabled Persons which was heard before the House Committee on Health and Homelessness on March 15, 2023. The bill authorizes each county to adopt ordinances to enforce the design, construction, and signage requirements of the federal Americans with Disabilities Act of 1990, as amended; part III of Chapter 291, Hawaii Revised Statutes; and any administrative rules adopted under that part, including the establishment of penalties for failure to comply with the ordinance. It clarifies that an official appointed by a county may enter property of places of public accommodation to enforce violations of the ordinances adopted by the county. The bill passed out of Committee with amendments. He said staff contacted the four (4) County Building Directors and received positive responses from the County of Kauai and the City and County of Honolulu. Guest Peter Fritz asked where in the Hawaii Revised Statutes (HRS) are the Counties given the authority. Board member Charlotte Townsend provided background information regarding the County ordinances on parking.

Kirby Shaw said that DCAB staff is continuing to meet every other week with staff of the Office of Enterprise Technology Services (ETS) to work on the Hawaii Electronic Information Technology Disability Access Standards. ETS is preparing draft Standards that will be distributed to the Working Group for review and comment. The draft Standards reference Section 508 and WCAG 2.0 Level A and AA as the minimum requirements. The State Procurement Office has assigned a staff person to assist with the development of the recommended procurement language.

He informed Board members that recruitment for the Communication Access Specialist position is ongoing and staff is working to revise the job announcement to attract a broader pool of applicants.

VI. Committee Reports

A. Executive Committee

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

B. Legislative Committee

Committee Chairperson Dean Georgiev said the Committee met on February 3, 10, 17, and 24, 2023 and March 3 and 10, 2023 to primarily take appropriate position on bills. The Committee approved the meeting minutes for February 3, 10, 17, and 24, 2023 and they could be ratified by the Board. The Committee approved the meeting minutes for March 3, 2023, with amendments, but they cannot be ratified by the Board today because the amended meeting minutes were not available to the public at least forty-eight (48) hours before this meeting. The Board ratified the Committee's actions (M/S/P Kimmey/Townsend).

He said that in the February 10, 2023 Committee meeting, the Committee amended the DCAB Legislative Position Statements by adding a position statement to "Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by the Fair

Housing Act (example, require elevators, require a percentage of units to be located on the ground floor).” The intent of this position statement is to address concerns that the minimum scoping requirements will not provide enough accessible residential dwelling units for people with disabilities. There are a few bills that the Committee has taken a position to provide comment, including SB 340 SD2 that would rehabilitate, remodel, renovate, and repair two hundred and fifty-five (255) public housing units and SB 1551 SD2 that would establish and appropriate moneys for a supportive housing pilot program to provide housing and coordinated services to vulnerable populations including people with disabilities.

C. Standing Committee on Communication Access

Committee Chairperson Gerald Isobe reported that there are thirty-three (33) sign language interpreters who hold the Hawaii State Sign Language Interpreter Credential (HSSLIC). Three (3) American Sign Language (ASL) interpreters let their HSSLIC credential expire and did not respond to our inquiries to renew. Out of the thirty-three (33) HSSLIC interpreters, twenty-two (22) are enrolled in the Continuing Education Program.

He reported that the Committee is monitoring and supporting HB 834, HD1 and SB 610 Relating to American Sign Language. Senate Bill 610 was heard on March 15, 2023 before the House Committee on Culture, Arts and International Affairs and was passed with amendments. House Bill 834, HD1 was referred to the Senate Committees on Health and Human Services, and Judiciary. House Bill 935 and SB 606, SD1 are bills Relating to Hearing Aids. House Bill 935 has died and SB 606, SD1 was referred to the House Committees on Health and Homelessness, Economic Development and Finance (a triple referral).

There is a need to develop short term and long term recruitment and retention strategies to increase the pool of ASL interpreters statewide. A short-term idea is to have either a public or private entity encourage ASL interpreters to move to Hawaii or interpreters who previously lived in Hawaii to return home. This would be a similar effort to recruit public education teachers to move to Hawaii

The Committee and staff discussed a wide range of strategies on how DCAB can assist in addressing the shortage of ASL interpreters statewide. Staff will research and contact universities to partner with Hawaii to establish an interpreter-training program and will encourage high school programs to include ASL as a foreign language credit to attract students to consider a career as a sign language interpreter.

Senate Resolution 26 requests the Department of Health’s Office of Language Access (OLA) to Establish an American Sign Language Interpreter Workforce Working Group to Increase the Number of American Sign Language Interpreters in the State. Staff is working on changing the chairperson responsibilities of the working group from OLA to DCAB. Senate Resolution 26 requests the working group to submit an interim report on its findings and recommendations, including any proposed legislation to increase the number of ASL interpreters in Hawaii to the Legislature prior to the Regular Session of 2024 and a final report prior to Regular Session of 2026.



D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Committee met on March 9, 2023, and passed Interpretive Opinion DCAB 2023-01 Towel Bars or Rings at Clear Floor Space, which clarifies the mounting location for towel bars or rings adjacent to the shower and toilet area in bathing rooms.

The Committee discussed the Facility Access Unit's Spring training schedule and the 2023 Disability Access Conference. The Hawaii Outdoor Developed Areas Accessibility Guidelines (HODAAG) Zoom training is scheduled for April 25, 2023, from 10:00 a.m. – 11:00 a.m. The 2023 Disability Access Conference is expected to be held in the last week of June 2023. The sessions will focus on the Fair Housing Act requirements and will feature Rex Pace of the U.S. Department of Housing and Urban Development; Bill Hecker of Hecker Design, LLC – Accessibility Consulting; and John Torkelson of the ACCESSpartnership, LP. She encouraged members to register for the conference.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on March 9, 2023. She reported that during the first two months of this quarter, around four thousand six hundred (4,600) placards were issued and two hundred thirty (230) special license plates reauthorized or issued. Of the placards, about one thousand two hundred (1,200) were temporary, three thousand four hundred (3,400) were long term, and nineteen (19) were Disabled Paid Parking Exemption Permits. Of the long-term placards, about one thousand four hundred (1,400) were issued by DCAB. The renewal rate was fifty-seven percent (57%).

She reported that the Committee's public education and outreach efforts were: 1) creating a "priority side lift or ramp equipped vehicle" sign. This would be a voluntary sign for ADA Title II and III entities to install at van accessible parking spaces and 2) the Committee reviewed four (4) letters to the County Mayors requesting issuance of an executive order increasing the number of accessible and van accessible parking spaces at county parking facilities.

She reported that during the first two (2) months of this quarter six hundred ninety-two (692) emails were sent to permittees to remind them of their placard expiration date. A crosscheck with the Department of Health's (DOH) Vital Records Branch flagged four thousand three hundred forty-four (4,344) deceased persons with active parking permits. Letters were sent to the estates of the deceased permittees, and forty percent (40%) of the placards were returned, eight percent (8%) were reported as being lost, and fourteen percent (14%) of the letters were returned as undeliverable.

She reported that four (4) submissions were received via the DCAB webpage to report parking placard misuse; and staff continues to procure yearly and monthly decals.



F. Special Parent Information Network

Board member Anthony Akamine reported that the Footsteps to Transition Fair held on October 4<sup>th</sup> was deemed a success by both the attendees and the planners. Amanda Kaahanui played a key role as the facilitator of planning meetings for the twelve (12) months leading up to the Fair and as conference emcee. Over one hundred (100) parents of youth with disabilities received vital information on high school career training opportunities, the Medicaid Waiver Program, Certificate of Completion vs. Diploma tracks, community college supports, and more.

He reported that SPIN staff and the SPIN Advisory Committee are working hard to put on the first hybrid conference in SPIN's history. The Conference is scheduled for Saturday, April 22, 2023. In addition to an in-person venue at the University of Hawaii Manoa Campus Center, SPIN will be offering access to the keynote and twelve (12) conference workshops via Zoom to folks who prefer to participate virtually. Dr. Matthew Wappett from the University Centers for Excellence in Utah will return via Zoom to conduct a keynote session on Laugh Yoga, and SPIN has assembled a variety of experienced professionals and parents to present on twelve (12) topics of interest to families of children with disabilities. The aim of each presentation is to provide a vision of potential success and practical tips and tools that families can use to enhance their child's education and community inclusion. For more information on the conference, go to SPIN's conference website: <https://spinconference.org>. He encouraged Board members to attend the Conference.

V. Old Business

A. ADA Coordination

Curtis Motoyama reported that in December 2022, staff documented forty-one (41) technical assistance activities with the Pacific ADA Center. The most common topics were general ADA information with nineteen (19), effective communication with seven (7), and service animals with four (4). In January 2023, staff documented fifty-two (52) technical assistance activities with the Pacific ADA Center. The most common topics were facility access with nineteen (19), general ADA information with fifteen (15), and service animals with six (6). In February 2023 staff documented thirty-nine (39) technical assistance activities with the Pacific ADA Center. The most common were effective communication with ten (10), service animals with eight (8), and facilities access with seven (7). Examples of technical assistance included: providing a restaurant and property manager guidance about the provision to maintain accessible features including the building elevator; providing a farmers market guidance about providing accessible parking for temporary events; providing a retail establishment guidance about determining if a dog is a service animal and understanding when a service animal could be excluded; and providing a health care provider guidance about accommodating a request for an in-person ASL interpreter.

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 the guidance document has been updated to include the following 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]. Requests made as early as possible have a greater likelihood of being fulfilled.*

*Upon request, this notice is available in alternate/accessible 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 have a greater likelihood of being fulfilled.*

*Upon request, this notice is available in alternate/accessible 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. For example, if an agenda is posted six days prior to the meeting pursuant to Chapter 91, then a "reply by date" to request an auxiliary aid/service or other accommodation should not require six days advance notice.
- If an event is conducted virtually, always include a phone number to allow participants who may not have the technology or ability to join the event via a given virtual platform to participate in the event by phone.
- It is also a given that any agenda and all supporting documents linked to the agenda should be prepared in an accessible format readable by a person with screen-reader software, including the inclusion of alt text (alternative text) behind images.

The Board approved the revised guidance (M/S/P Townsend/Akamine).

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

Curtis Motoyama reported that additional staff has been assigned to assist with updating the Manual. Staff will continue to work on reformatting the Manual by consolidating the existing and new guidance material.

Guest Peter Fritz inquired when the draft Manual would be completed for review. Kirby Shaw responded that he hoped to get a copy by the next Board meeting, barring other priorities.

D. Emergency Preparedness Update

Curtis Motoyama reported that staff participated in an emergency preparedness exercise as one of the Planning Section Chiefs. The exercise simulated a distant tsunami event and included activities from the warning to post event. There was one inject related to disability that requested guidance about effective communication at an emergency shelter. The exercise focused on the roles and responsibilities of each of the sections including operations, planning, logistics, and finance/administration.

E. Update on letter to Governor Green requesting to increase the 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 sent the letter to Governor Green requesting an increase in the number of reserved parking spaces for persons with disabilities in State parking facilities. Staff has not received a response from the Governor's Office as yet.

He also said that a similar request letter to the four (4) County Mayors is being prepared.

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

Bryan Mick reported that a similar letter is being prepared to send to places of public accommodation to request increased number of reserved parking spaces for persons with disabilities beyond the minimum ADA requirements. Staff obtained a list of places of public accommodation statewide with one hundred (100) or more parking spaces, however, the list does not include business names.

VII. New Business

- A. Proposal to form a Standing Committee on Transportation to focus on public and private modes of transportation, including bus, paratransit, rail and air travel.

Kirby Shaw said that there was a proposal to form a Standing Committee on Transportation to focus on public and private modes of transportation, including bus, paratransit, rail, and air travel. He was advised by the Deputy Attorney General assigned to DCAB that the Board would need to amend its bylaws to establish a Standing Committee. The Board voted to amend its bylaws to establish a Standing Committee on Transportation (M/S/P Townsend/Akamine).

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

Guest Peter Fritz spoke about distribution of testimony to Board members. He shared information about Office of Information Practices' opinion on meeting agenda accessibility. He also requested a copy of the meeting transcript.

- IX. Vice Chairperson Dean Georgiev announced that the next meeting is scheduled for May 18, 2023 beginning at 11:00 a.m.

- XI. The meeting was adjourned at 12:41 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,



CINDY Y. OMURA