



DISABILITY AND COMMUNICATION ACCESS BOARD

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MINUTES

Disability and Communication Access Board General Board Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118
Date: April 18, 2024
Time: 11:00 a.m. – 1:00 p.m.

PRESENT: Violet Horvath, Chairperson; Anthony Akamine, Gerald Isobe, Marie Kimmey, Summer Kozai, Michael Nojima, Gerald Ohta, Teri Spinola-Campbell, LisaAnn Tom, Charlotte Townsend, Board Members; Kirby Shaw, Kristine Pagano, Bryan Mick, Sue Radcliffe, Justin Tokioka, Rodney Kanno, Staff

ABSENT: Ronald Awa, Rosanna Daniel-Kanetake, Scott Fleming, Nikki Kepo'o, Board Members

GUESTS: Peter Fritz; Alberto Perez, Hawaii Pacific University Intern; Donald Sakamoto, Citizens for a Fair ADA Ride (CFADAR)

SIGN LANGUAGE

INTERPRETERS: Darlene Baird and Keri Lee

REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

I. Chairperson Violet Horvath called the meeting to order at 11:06 a.m. She provided an overview of the procedures for public testimony or comments, and remote meeting procedures.

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

III. Statement from Public and Written Testimonies Submitted

A. Report on testimony and presentations from November 16, 2023 meeting where quorum was not achieved.

1. Rules of Public Testimony and Office of Information Practices Guidelines
2. Submit Testimony Webpage demonstration.
3. Courtesy letters to departments and agencies regarding public notice and agenda accessibility issues.

Chairperson Violet Horvath summarized the testimony and presentations report from the November 16, 2023 General meeting which was included in the meeting packet. She stated that the Disability and Communication Access Board (DCAB) received one written testimony from Peter Fritz who shared his concerns regarding the wording that is being used on State departments and agencies notices and agendas regarding accommodation requests. He sent out sample reasonable accommodation request wording from the Federal Communications Commission (FCC) that clarifies what information should be provided, that late

requests will be accepted. Board member Teri Spinola-Campbell asked whether DCAB could draft a request to the Governor to issue an executive order with appropriate reasonable accommodation request wording.

B. New and/or additional testimony.

Kirby Shaw reported that the office did not receive any testimony for this meeting.

IV. Approval of General Board Meeting Minutes of November 16, 2023.

The minutes of the November 16, 2023 General meeting were approved as circulated (M/S/P Townsend/Tom).

V. Executive Director's Report

A. Report on testimony and presentations for the following agenda items from November 16, 2023 meeting where quorum was not achieved.

1. 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."

Kirby Shaw reported that they are waiting on the Office of Enterprise Technology Services to issue an invitation to interested parties on developing the disability access standards. Guest Donald Sakamoto inquired about the number of meetings held. Kirby Shaw said they have met every two weeks but did not have the specific number of meetings.

2. Personnel

a. Recruitment for the Planner/ADA Coordinator, Communication Access Specialist, Program Support Technician I positions – Update.

Kirby Shaw reported that the Program Support Technician I position is filled.

3. Videos on Civil Rights in American Sign Language for persons who are Deaf, Hard of Hearing and DeafBlind.

Kirby Shaw reported that this item was covered in the November 16, 2023 minutes.

4. Training sessions for State ADA Coordinators and employees on making web content accessible for persons with disabilities.

Kirby Shaw reported that this item was covered in the November 16, 2023 minutes. He said there has been a delay in making the videos accessible before being distributed. Guest Peter Fritz asked if a policy is being developed for employees who put content on the web. Kirby Shaw said the Department of Justice issued final regulations on website accessibility and since these are federal requirements and all State and local governments will need to be compliant. There may be lead time for entities to comply with the new regulations. He said the training would be for employees who have the responsibility for putting up web content on various State and County websites.

B. Board Member Resignation.

Kirby Shaw reported that Dean Georgiev submitted his resignation to the Governor because he relocated out of state.

C. Hawaii Ethics Commission Annual Financial Disclosure E-Filing Requirement for Board Members.

Kirby Shaw reminded Board members about the Hawaii State Ethics Commission's May 31, 2024 deadline to file their annual financial disclosure statements.

VI. Committee Reports

A. Executive Committee

1. Report on testimony and presentations from November 16, 2023 where quorum was not achieved. No meeting held. No report.

Chairperson Violet Horvath reported that the Committee has not met and there is no report.

2. Report on scheduled meetings.

Chairperson Violet Horvath reported that there are no meetings scheduled for the Executive Committee.

B. Legislative Committee

Chairperson Violet Horvath reported that the Committee met on January 31, February 7, February 23, and March 18, 2024.

She reported that staff tracked three hundred sixteen (316) bills and resolutions (including carry over bills and bills the Committee took a position on this session). Staff submitted one hundred forty (140) written testimonies and provided oral testimony at six (6) hearings.

The DCAB travel bill (HB 2447/SB 3136) – Relating to Parking for Disabled Persons. Establishes a disability travel placard to be issued to an existing permittee for use at the travel destination) did not pass this session and staff will look at the possibility of introduction at the next legislative session. The minibus parking bill (HB 2446/SB 3135) – Relating to Parking for Disabled Persons. Authorizes the Examiner of Drivers to suspend the driver's license of a person who violates certain regulations relating to the use of disability parking permits. Requires the court to distribute fifty per cent of any fine imposed on a person who violates certain regulations for the use of disability parking permits to the law enforcement agency that issued the citation. Authorizes each county to enact ordinances to enforce the design and construction requirements for the provision of accessible parking spaces, including the establishment of penalties for failure to comply with ordinances. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances. The House and Senate disagree on amendments and the bill has been sent to Conference Committee.

C. Standing Committee on Communication Access

Committee Chairperson Gerald Isobe reported that the Committee met on April 11, 2024. There are twenty six (26) sign language interpreters who hold the Hawaii State Sign Language Interpreter Credential. However, three (3) American Sign Language (ASL) interpreters let their credential expire and have not responded to inquiries to renew. Of the twenty six (26) sign language interpreters, twenty three (23) are enrolled in the Hawaii State Sign Language Interpreter Credential program.

He reported that the Committee is monitoring and supports SB 3290 SD2 HD1 – Relating to American Sign Language. The bill requires DCAB to convene a working group to study the state of ASL interpretation services in Hawaii and requires a report to the Legislature.

He reported that the new Communication Access Specialist, Pono Tokioka, will begin coordinating a date, time, and location for a State Communication Access Conference for next summer. He will also be coordinating in-person continuing education unit workshops for interpreters.

He said there is a need to develop short and long term recruitment and retention strategies to increase the pool of ASL interpreters statewide. A short term idea would be to have either a public or private entity encourage ASL interpreters to relocate to Hawaii or interpreters who previously lived in Hawaii to return.

D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Committee has not met since the last Board meeting. She provided information on the Facility Access Unit's (FAU) presentations on six (6) basic training sessions for design professionals held on November 1, November 8, November 15, November 29, December 6, and December 13, 2023. The December trainings were on education facilities, and the Hawaii Outdoor Developed Accessibility Guidelines, respectively.

She reported that the virtual 2024 Disability Access Conference is tentatively scheduled for June 20 and 21, 2024 from 8:00 – 11:30 a.m. (Hawaii Standard Time) and will feature presenters from the U.S. Access Board and Bill Hecker of Hecker Design, LLC Accessibility Consulting. The proposed topics are: Pedestrian Facilities in the Public Right-of-Way; Accessible Parking Facilities, Dining and Retail; Accessible Assembly, Performance and Sport Areas; and Common Accessibility Issues, Litigation and Resolutions. Chairperson Violet Horvath inquired if the conference is open to anyone interested in facility access. Committee Chairperson Marie Kimmey affirmed that it is, and Rodney Kanno added that registration is now open.

She reported some FAU staff will continue teleworking two days a week.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on March 19, 2024. She reported that HB 2447/SB 3136 and HB 2446/SB 3135 were discussed under the Legislative Committee report.

She reported for the first two (2) months of the third quarter, approximately 5,000 placards were issued, and 300 special license plates were reauthorized or issued. Of the placards, about 1,400 were temporary, 3,600 were long term, and 19 were Disabled Paid Parking Exemption permits. Of the long term placards, about 1,439 were renewals issued by DCAB. The renewal rate was sixty six percent (66%).

She reported that four (4) submissions were received via the webpage to report parking placard misuse, and one submission was received via the webpage to report a non-design compliant space.

She reported that in the first two (2) months of the third quarter, 1,221 emails were sent to permittees reminding them of pending placard expiration.

She informed the Board that there was no update on the letters sent to Title III entities.

She informed the Board that decals were in production and the bid for additional placards was awarded.

A crosscheck with vital records was conducted and 4,365 records were flagged as permittees being deceased. Thirty three percent (33%) of the placards were returned, three percent (3%) were reported lost and fourteen percent (14%) of the letters to be estates of deceased permittees were returned as undeliverable.

Staff worked with the Honolulu Police Department to get thirteen (13) dispatchers access to the parking database. Staff has also interacted with the Maui County Council to implement their Volunteer Special Enforcement Officer (VSEO) program.

Guest Donald Sakamoto thanked staff in getting the "word out" to the Honolulu Star Advertiser's Kokua Line regarding parking placard renewals.

F. Standing Committee on Transportation

Chairperson Violet Horvath reported that the Committee met on November 9, 2023, January 8, and March 19, 2024. The Committee requested staff to draft an amendment to the DCAB Guiding Principles on Public Transit Fixed Route Bus Service and Paratransit Services. The proposed amendment to the specific section is as follows:

(10) The procurement of public transit vehicles should include specifications that exceed Federally required accessibility minimums, consider the preferences of riders with disabilities, and prioritize electric vehicles.

She reported that staff drafted several amendments to the DCAB Guiding Principles on the Mobility and Safety of Pedestrians. The proposed amendments to the specific sections are listed below and underscored.

These guiding principles are to assist DCAB in preparing testimony or offering comments on Federal, State, and county government proposed laws, rules, polices, and procedures. DCAB shall advocate for and promote these principles whenever appropriate.

(3) Utilize the best design guidelines of accessibility, not only the Americans with Disabilities Act Accessibility Guidelines (ADAAG), but also the proposed Public Right of Way Accessibility Guidelines (PROWAG). Incorporate the principles of Universal Design. Implement best practices from other jurisdictions around the world.

(7) Prioritize the safety and security of pedestrians with disabilities during their interactions with others using personal transportation devices such as bikes, e-bikes, scooters, e-scooters, and Segways. This includes but is not limited to the planning and design of transportation systems, the passing of statutes and ordinances, and the enforcement of regulations and laws.

(8) When accessible routes are changed or removed, such as mid-block crosswalks, ensure that any feature (curb cuts, tactile floor mats, etc.) used to indicate the presence of the accessible route are also altered or removed.

(13) Recognize that traffic speed is an important element of pedestrian safety. Speed limits should be set and enforced with an emphasis on pedestrian safety, including enhanced penalties for speeding in areas which have designated pedestrian routes.

(14) Ensure maximum visibility and audibility at pedestrian crossings. Technology installed at pedestrian crossings such as push activated lights utilize technology should provide maximum accessibility for pedestrians with disabilities and others.

(15) Any task force, committee, working group, etc., which will be discussing pedestrian safety should include members with mobility related disabilities and disabilities that impact wayfinding and navigation.

Chairperson Violet Horvath asked for a motion to approve the guiding principles on the mobility and safety of pedestrians as amended (M/S/P Spinola-Campbell/Kimmey).

Guest Donald Sakamoto informed the Board about his concerns regarding the Pearl City Highlands Rail Station and the navigation problems and dangers for persons who have a visual disability; there's a flashing light but no audible signal.

G. Special Parent Information Network (SPIN)

Board member Anthony Akamine reported that Susan Rocco was invited to join a new Work Group under the Civil Rights Compliance Branch (CRCB) of the State Department of Education (DOE). The Work Group is tasked with reviewing the CRCB's existing practices for handling protected class discrimination and/or harassment, so that members know how DOE is currently addressing compliance issues; discussing what protected class concerns/issues are occurring in schools; discussing how to stop, remedy and prevent protected class discrimination and/or harassment; and discussing other relevant protected class topics and suggestions for improvement.

He reported that SPIN participated in the Maui Ohana Resource Fair to support families affected by the wildfires. SPIN was one of twenty five (25) or more informational tables. The Fair drew over six hundred (600) participants.

He reported that the 38th Annual SPIN Conference, "SPIN's Ocean of Possibilities," drew over three hundred (300) participants (in person and virtual), plus one hundred (100) agency personnel who offered informational tables. The program offered two (2) inspiring keynote presentations by parents of children with disabilities, fourteen (14) workshops, awards highlighting six (6) outstanding individuals in the area of disability and special education, and opportunities for networking between parents and helping professionals. On-site feedback was very positive, and SPIN staff is compiling an evaluation report to reflect comments received.

Amanda Kaahanui was invited by the DOE Special Education Section to present on family-school partnerships in the transition of students with disabilities from high school to post-secondary education, employment, and community living. She was the only special education parent among the presenters and received positive feedback from her workshop audience.

May is Children's Mental Health Awareness Month nationally, and Susan Rocco has joined the planning group for Hawaii awareness activities.

VII. Old Business

A. Report on testimony and presentations from November 16, 2023 meeting where quorum was not achieved.

Kirby Shaw referred to the November 16, 2023, meeting minutes, under VII. ADA Coordination.

B. ADA Coordination

1. Review statistics of ADA technical assistance program. Update.

Kirby Shaw reported that the State and County ADA Coordinators meetings scheduled for January 2024 were postponed and hopes to resume meetings in May. He said staff responded to thirty one (31) technical assistance inquiries such as accessible parking, website accessibility, private condominiums, effective communication, service animals, and requesting accommodations to participate at meetings.

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

Kirby Shaw said this topic was discussed earlier in the meeting, and staff is looking to hold further trainings.

VIII. New Business

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

Kirby Shaw reported that at the November 13, 2023, the U.S. Department of Justice published its proposed rule, since then the final rules have been published. DCAB staff submitted comments in support of the proposed rules, which noted that some of the proposed exceptions in the proposed rule were overly broad, i.e., archived material was not required to be accessible. The

comment was that there should be a limit to the exception and a state entity would have an obligation to make the document accessible if it was readily achievable to do so. Staff will review the final rules and inform the Board on specific points which will have an impact on state and county governments in Hawaii.

Guest Peter Fritz commented he sent a copy of the final regulations with a detailed fact sheet which covers archive documents.

B. U.S. Department of Transportation – Notice of Proposed Rulemaking, [Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs](#) – Staff Summary.

Bryan Mick reported that the U.S. Department of Transportation extended the deadline for comments to May 13, 2024. He said DCAB had previously commented on some of the items listed on the staff summary, and staff's recommendation is to support the Notice of Proposed Rulemaking with the following comments:

Lavatories should be required to be of a sufficient size for both the passenger with a disability and an attendant to enter and maneuver within it.

To use the ninety five percentile male standard for the individual with a disability and the attendant in place of the non-specific standard currently used for twin aisle aircraft lavatories.

Require U.S. and foreign air carriers to reimburse the difference between the fare of a flight a wheelchair user took and the fare of a flight that the wheelchair or scooter user would have taken if his or her wheelchair or scooter had been able to fit in the cabin or cargo compartment of the aircraft.

Board member Gerald Ohta asked for clarification on the levels of aircraft this rulemaking would apply. Board member Charlotte Townsend clarified about the size of the aircraft and accommodations. She said the rules would make it more standardized and if there is some uniformity by these rules then it would certainly have an impact on the quality of air travel. The Board voted to approve the staff recommendations (M/S/P Townsend/Akamine).

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

Chairperson Violet Horvath referred to the November 16, 2023 meeting minutes. She asked if there were any comments on issues not on the agenda. Guest Peter Fritz said he has been reviewing meeting notices and that some of the agendas are not particularly good on ADA issues and would need to standardize certain types of language, and there should be some changes made to the Programs and Services Manual. He said he drafted a bill, but didn't submit it this year, about meeting agendas and where to place items. For a person with a visual disability, they would have to read through multiple pages to get to the agenda, whereas the agenda items should be listed first. Guest Donald Sakamoto shared that he has had issues with the City and County of Honolulu not complying with the Sunshine Law. Chairperson Violet Horvath said many agencies are dealing with noncompliant agendas and meetings being cancelled.

Board member Charlotte Townsend inquired if the Office of Information Practices (OIP) does training because it is such a specialized arena for people to understand. DCAB has proven itself to do certain things well and the more we taken on as a Board the less focused we are on other issues. It's very frustrating to be held accountable for everyone else in state and county government. Kirby Shaw said staff does assist departments in complying with making their documents accessible. He said it is a matter of training and informing appropriate staff. He said there is no prescribed set of words that all entities are required to comply within the ADA or the Sunshine Law, but there are certain parameters and information that need to be provided.

Chairperson Violet Horvath asked if OIP could take that over, instead of DCAB. Kirby Shaw said OIP will come to DCAB on ADA compliance, because their jurisdiction is on the Sunshine Law and Uniform Information Practices Act.

Board member Charlotte Townsend said that the process should be seamless and not compartmentalized. Chairperson Violet Horvath added for this to actually happen that enough personnel should be provided.

Guest Peter Fritz said DCAB should put out approved language for meeting notices, and if agencies deviate from the language, they may not be in compliance.

Bryan Mick said DCAB may want to approach OIP again as they have a new administrator to discuss training. To be fair, the Sunshine Law has gotten more and more complex.

Kirby Shaw said he would be willing to advocate for OIP to hold trainings for state and county entities subject to the Sunshine Law. Guest Peter Fritz said that the Hawaii Civil Rights Commission (HCRC) should be involved in the discussion, and there should be more coordination between DCAB and HCRC.

Chairperson Violet Horvath and Kirby Shaw thanked Board members for taking time out of their schedules to attend this meeting.

- X. The next meeting is scheduled for May 16, 2024 beginning at 11:00 a.m.
- XI. The meeting adjourned at 12:52 p.m.

All votes were unanimous unless otherwise noted.

Respectfully submitted,



CINDY Y. OMURA