



DISABILITY AND COMMUNICATION ACCESS BOARD

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DRAFT MINUTES

Disability and Communication Access Board General Board Meeting

Location: Virtual and 1010 Richards Street, Room 118
Date: June 6, 2024
Time: 11:00 a.m. – 1:00 p.m.

PRESENT: Violet Horvath, Chairperson; Ronald Awa, Rosanna Daniel-Kanetake, Gerald Isobe, Nikki Kepo'o, Marie Kimmey, Michael Nojima, Gerald Ohta, Teri Spinola-Campbell, LisaAnn Tom, Charlotte Townsend, Board Members; Kirby Shaw, Kristine Pagano, Bryan Mick, Elizabeth Pearson, Sue Radcliffe, Justin "Pono" Tokioka, Rodney Kanno, Staff

ABSENT: Anthony Akamine, Scott Fleming, Summer Kozai, Board Members

GUESTS: Peter Fritz; Kammi Koza; Genesis Leong, Center on Disability Studies; Susan Rocco; Donald Sakamoto, President, Citizens for a Fair ADA Ride

SIGN LANGUAGE

INTERPRETERS: Jackie Gonzalez and Keri Lee

REAL TIME

CAPTIONERS: Cindy Kim and Valerie Ransom

- I. Chairperson Violet Horvath called the meeting to order at 11:10 a.m. She provided an overview of the procedures for public testimony comments, and remote meeting procedures.
- II. Roll was called, and Board members, staff, and guests introduced themselves. Board member Nikki Kepo'o informed the Board, she needs to leave the meeting at 11:55 a.m.
- III. Statement from Public and Written Testimonies Submitted
Kirby Shaw reported that the office received no testimonies for this meeting.
- IV. Approval of General Board Meeting Minutes of April 18, 2024.
The minutes of the April 18, 2024 General meeting were approved as circulated (M/S/P Townsend/Kepo'o).
- V. Executive Director's Report
 - A. 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 DCAB has been working with the Office of Enterprise Technology Services (ETS) on assembling a working group to develop the Hawaii

Electronic Information Technology Disability Access Standards by the end of this year. The draft letter which is completed should be sent out by ETS to prospective working group members.

Testimony: Guest Peter Fritz asked if DCAB has reached out to the interim ETS Chief Information Officer. He also asked how the standards will be enforced.

B. Personnel

1. New Planner/Americans with Disabilities Act (ADA) Coordinator position filled.

Kirby Shaw reported that the Disability and Communication Access Board (DCAB) hired a new Planner and ADA Coordinator, Elizabeth Pearson, who started about a month ago. She is starting to field technical assistance calls.

2. DCAB Staffing Status.

Kirby Shaw reported the office should be fully staffed as we are anticipating a new Facility Access Specialist to start the beginning of next week.

Testimony: Guest Peter Fritz inquired if DCAB's organizational chart indicating the number of employees working on different types of topics in the different divisions could be provided at the next meeting.

C. 2024 National ADA Symposium – Minneapolis, June 9-12, 2024 – Disability and Communication Access Board (DCAB) staff attendance.

Kirby Shaw reported Eric Isidro, Facility Access Specialist, will be attending this conference.

D. Maui County Abilities Resource Fair, June 22, 2024 – DCAB staff attendance.

Kirby Shaw reported that staff will attend to provide information and technical assistance at the Fair. Board member Marie Kimmey inquired as to where the Fair will be held as she would like to meet the newer staff and be of any assistance.

E. 57th Biennial National Association of the Deaf Conference – Chicago, July 1-6, 2024 - DCAB staff attendance.

Kirby Shaw reported that Justin "Pono" Tokioka, Communication Access Specialist, will attend this conference.

VI. Committee Reports

A. Executive Committee

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

B. Legislative Committee

1. 2024 Legislative Wrap Up meeting, May 22, 2024.

Chairperson Violet Horvath reported that the Committee met on May 22, 2024. She reported that staff tracked, and the Committee took a position on three hundred sixteen (316) bills and resolutions (including carryover bills); submitted one hundred fifty three (153) written testimonies and provided oral testimony at fourteen (14) hearings. Five (5) bills have been signed into law and another twenty (20) are on the Governor's desk awaiting signature. The DCAB bill to create a travel parking placard did not pass this session and staff will try to get it reintroduced next legislative session. The DCAB minibus parking bill that would have allowed for the suspension of a driver's license for someone caught using a placard issued to a person who is now deceased, authorized the counties to enforce design regulations for accessible parking spaces, and remitted fifty percent (50%) of fines for violations of accessible parking laws to the agency that issued the citation, did not pass.

Testimony: Guest Donald Sakamoto thanked the Committee for supporting Senate Bill (SB) 3002 Relating to a Task Force on Mobility Management. Unfortunately, the bill did not pass this legislative session.

C. Standing Committee on Communication Access

1. Report on the proposed Fiscal Year (FY) 2024-2025 Communication Access section of the Plan of Action.

Committee Chairperson Gerald Isobe reported that the Committee was able to meet and discuss the proposed fiscal year 2024-2025 Communication Access section of the Plan of Action. The Committee revised and reworded six (6) objectives for clarity and added two (2) new objectives for next fiscal year's Plan of Action.

2. Report on [Senate Bill \(SB\) 3290](#) [Senate Draft \(SD\) 2](#) [House Draft \(HD\) 1](#) [Conference Draft \(CD\) 1](#) – Relating to American Sign Language. Requires the Disability and Communication Access Board to convene a working group to study the state of American Sign Language interpretation services in Hawaii.

He also reported on SB 3290, SD2, HD1, CD1 Relating to American Sign Language (ASL). Both the Senate and the House agreed to pass the bill with amendments. The bill is currently enrolled to the Governor, awaiting his signature. Once the Governor signs the bill, DCAB will establish a task force to study the state of ASL interpretation services in Hawaii.

Testimony: Guest Peter Fritz informed the Board that Senator San Buenaventura's office requested a public signing of the bill. Interested individuals may want to contact the Senator's office to request information or to be notified about the public signing.

D. Standing Committee on Facility Access

1. Document Reviews and Implementation of Fee Schedule – Update.

Committee Chairperson Marie Kimmey reported that the Facility Access Unit (FAU) reviewed one thousand nine (1,009) projects from May 1, 2023 to May

2, 2024 of which five hundred thirty five (535) were new submittals. The FAU collected approximately \$1,017,111.99 in fees during that same time period.

2. Review proposed Facility Access section of the Plan of Action FY 2024-2025.

The Committee approved the proposed Facility Access section of the Plan of Action for FY 2024-2025 with no changes to the goals and objectives.

E. Standing Committee on Parking

1. Legislative Update

- a. House Bill (HB) 2447 HD1 / 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.
- b. HB 2446 HD2 SD2 / SB 3135 SD1 – Relating to Parking for Disabled Persons. Authorizes the Examiner of Drivers to suspend the driver's license of a person using a parking permit issued to a deceased person who was deceased when the permit was issued to obtain parking privileges. Provides that fifty per cent of any fine imposed for violating part III of chapter 291, Hawaii Revised Statutes, is remitted 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 the ordinances. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances.

Board member Charlotte Townsend reported that the Committee met on May 7, 2024.

She reported that the two (2) DCAB parking bills, HB 2447, HD1/SB 3136 (travel placard) and HB 2446 HD2 SD2/SB 3135 SD1 (empower counties to enforce parking space design, suspend drivers' licenses for use of a deceased person's placard and remit fifty percent (50%) did not pass this legislative session.

2. Disability Parking Placard Issuance Statistics for Quarter 3 FY 2023-2024 – Update.

She reported for third quarter, around seven thousand five hundred (7,500) placards were issued, and four hundred (400) special license plates were reauthorized or issued. Of the placards, approximately two thousand (2,000) were temporary and five thousand four hundred (5,400) were long term and twenty six (26) were Disabled Paid Parking Exemption Permits. Of the long term placards, about two thousand two hundred (2,200) were renewals issued by DCAB. The renewal rate was sixty six percent (66%).

3. 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 ADA or State design requirements and the webpage to report misuse of a parking permit.

She reported that six (6) submissions were received via the webpage to report parking placard misuse and in response, DCAB sent two (2) letters to permittees. She also reported two (2) submissions were received via the

webpage to report a non-design compliant space, and an inquiry was sent to the Department of Land and Natural Resources.

4. Statistics on the number of emails sent to permittees regarding a pending disability parking permit expiration.

She reported that in the first two (2) months of the third quarter, one thousand two hundred twenty one (1,221) emails were sent reminding permittees of a pending permit expiration.

5. Update on procurement of placards and decals.

She informed the Board that staff procured decals and placards and the supply should be delivered before the end of the month.

6. Update on crosscheck of DCAB Parking Database with the Office of Vital Records Deceased Residents Database.

A crosscheck with Office of Vital Records was conducted and four thousand three hundred sixty five (4,365) records were flagged as permittees being deceased. Of the letters sent to the estates of deceased placard holders, thirty three percent (33%) of the placards were returned, three percent (3%) were reported lost, and fourteen percent (14%) were returned as undeliverable.

Testimony: Guest Peter Fritz inquired if the resources currently available are adequate in executing the duties and responsibilities of this section. Board member Charlotte Townsend replied that this is an extremely active Committee and there hasn't been any discussion at Board meetings that address any shortage.

Testimony: Guest Donald Sakamoto inquired if there is a penalty if someone is caught using a stolen placard. Board member Charlotte Townsend said that the placard would be confiscated. Bryan Mick added that some police reports have been filed; the Honolulu Police Department (HPD) has tried to retrieve placards, but to his knowledge no criminal charges are filed. Board member Nikki Kepo'o said that HPD takes a report and if it's a case that can be pursued, it's forwarded to the Prosecutor's Office.

F. Standing Committee on Transportation

1. County of Kauai's suspension of bus and paratransit service on Sundays.

Chairperson Violet Horvath reported that the Committee met on May 7, 2024, and reviewed a response from the County of Kauai's Transportation Agency for more information about the County's August 2023 decision to suspend Sunday bus and paratransit services. The decision is primarily due to a shortage of drivers, and Sunday was chosen as it had the lowest average ridership.

2. Accessibility concerns with the new autonomous electric passenger shuttle service known as "Miki" at the Daniel K. Inouye International Airport.

She reported that the Committee reviewed a response from the Department of Transportation regarding the accessibility of their autonomous electric passenger pilot shuttle known as Miki. The Committee had concerns with the provided information and would like to conduct a site visit to Miki. Today's agenda under New Business is a motion to form a Permitted Interaction Group for this purpose.

G. Special Parent Information Network (SPIN)

1. Dispute Resolution Activities. The Individuals with Disabilities Education Act (IDEA) provides procedural safeguards to parents of children with disabilities who have a dispute with school over their child's identification, evaluation, program, placement, or discipline.

Kirby Shaw reported that the Individuals with Disabilities Education Act (IDEA) provided procedural safeguards to parents of children with disabilities who have a dispute with school over their child's identification, evaluation program, placement, or discipline.

a. Prepared the annual report for the Special Education Advisory Council on the utilization of these safeguards by parents.

He reported that SPIN staff prepared an annual review of the utilization of these procedural safeguards—specifically mediation, written complaints, and due process hearing requests—for presentation to the Special Education Advisory Council (SEAC) at the May 10, 2024 meeting. Four (4) areas of concern surfaced as a result of the review: 1) the timeliness of hearing decisions, 2) the chronic shortage of plaintiff attorneys, 3) a lack of information about the substance of written complaints, and the underutilization of mediation as a means of resolving disputes.

b. Attended a special training on how to support parents who participate in a special education due process hearing without the benefit of legal counsel.

He reported SPIN staff attended a training by Deusdedi Merced, Esq. from Special Education Solutions, LLC regarding how parents of children with disabilities can prepare to represent their child pro se (without a plaintiff attorney) in a special education due process hearing. The chronic shortage of plaintiff attorneys in Hawaii and on the mainland are resulting in many more pro se hearings where families often do not have the knowledge or resources for the complex administrative hearing process where they must secure expert witnesses, handle questioning and cross examination, and present evidence, all while bearing the burden of proof. SPIN and other parent serving organizations are preparing to offer information and support for these families as the number of pro se cases are expected to increase.

2. Follow-Up Activities Related to the April 6th SPIN Conference.

He reported that the SPIN Advisory Committee and the majority of the four hundred forty (440) SPIN Conference attendees deemed the conference a success in terms of quality and quantity of resources and information shared, variety of attendees, and positive feedback. SPIN staff have compiled an evaluation report and are in the process of captioning workshop

presentations for posting to the spinconference.org website. SPIN is exploring an alternate venue for the 2025 conference. The SPIN Advisory Committee is discussing the feasibility of pairing the conference with the PacRim Conference, the Special Education Conference or the Footsteps to Transition Fair.

VII. Old Business

A. ADA Coordination

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

Kirby Shaw reported he responded to seventeen (17) requests for technical assistance from making accommodations for university students with disabilities in dormitories and classrooms, use of service and emotional support animals, and making pdf documents accessible. He stated that the office has been distributing the Programs and Services Reference Manual to departments and agencies. He reported on what information should be included in accommodation statements on public notices and agendas. He informed the Board that the office is planning State and County ADA Coordinators meetings in July.

Testimony: Regarding the accommodation statement, guest Peter Fritz said an individual needs to go through a substantial amount of information prior to getting to the actual agenda. He said the agenda should be upfront with the procedural information at the end. He asked if DCAB provides training for all ADA Coordinators and how is the information getting distributed to the individual responsible for the document regarding accommodation statements.

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

Kirby Shaw reported that the web content accessibility training videos with captioning have been completed and will be available to ADA Coordinators and employees responsible for posting accessible web content.

Testimony: Guest Donald Sakamoto asked if the videos have audio description. Kirby Shaw said that in the future videos would have audio description. Previously the captioning was done in-house but due to the timeliness of providing and disseminating the information, in the future the office would probably utilize a third party vendor.

Board member Charlotte Townsend said the ADA Coordinators responsibilities are outlined in the Governor's Directives that were issued under several Administrations. She asked if it would be helpful to disseminate the Governor's Directives to the Coordinators that indicate the purpose of ADA coordination within the Departments and how the ADA Coordinator is to coordinate services between the Department and the individual with a disability.

VIII. New Business

A. Request for Board Volunteers to Serve on Nominating Committee to Select Slate of Officers, Chairperson and Vice Chairperson, for FY 2024-2025.

Chairperson Violet Horvath asked for volunteers to serve on the Nominating Committee to select the slate of officers for fiscal year 2024-2025. Board members Charlotte Townsend, Gerald Ohta, and Teri Spinola-Campbell volunteered to serve on the Nominating Committee.

B. Proposed Board Meeting Schedule for Fiscal Year 2024-2025.

1. Third Thursday of every other month, 11:00 a.m. – 1:00 p.m.

Chairperson Violet Horvath asked Board members if the Board meetings should remain on the third Thursday of every other month from 11:00 a.m. to 1:00 p.m. Board members were in favor of keeping the third Thursday from 11:00 a.m. to 1:00 p.m., but if the date doesn't work, this issue will be revisited at a later date (M/S/P Townsend/Ohta).

C. Establish a Permitted Interaction Group (PIG) to study the accessibility of the new autonomous electric passenger shuttle service known as "Miki" at the Daniel K. Inouye International Airport.

Chairperson Violet Horvath said this request is from the Standing Committee on Transportation and will permit two (2) or more Board members to visit the airport and observe the Miki Shuttle and report back at a subsequent meeting. Chairperson Violet Horvath asked for a motion to establish a PIG with Board members Violet Horvath, Charlotte Townsend, and Gerald Ohta and potentially two (2) other members to investigate the accessibility of the new automated shuttle service called Miki at the Daniel K. Inouye International Airport. The members will do a site visit and collect any relevant information (M/S/P Townsend/Ohta).

Testimony: Guest Donald Sakamoto asked that the PIG look at Miki from a blind individual's perspective.

D. Proposal to send a letter to the White House concerning procurement of culturally appropriate and qualified American Sign Language (ASL) interpreters in reference to the live stream broadcast of the [Lasting Legacies: A White House Celebration of Asian American, Native Hawaiian, and Pacific Islander Heritage and History](#) event held on May 13, 2024, where for example, the ASL interpreter improperly signed spoken Hawaiian words such as "mahalo nui loa" to mean "good luck" in ASL.

Kristine Pagano informed the Board that she watched the video and the interpretation did not match what was spoken or sung. She asked the Board to write a letter to the White House to hire interpreters to match the appropriate culture and have an appropriate understanding of the language being spoken. The Board asked staff to draft a letter to the appropriate parties on hiring interpreters who have an understanding of the language and culture being represented (M/S/P Townsend/Horvath).

Board member Rosanna Daniel-Kanetake left the meeting at 12:50 p.m.

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

Testimony: Guest Peter Fritz asked how to increase the effectiveness of ADA Coordinators, as most have other duties primarily assigned and ADA coordination is not top of the list.

Testimony: Guest Donald Sakamoto said he tried to get the Mayor's Committee on Persons with Disabilities restarted. People with disabilities should have a voice in the community regarding their concerns.

X. Chairperson Violet Horvath reminded Board members of the July 18, 2024 Annual Planning and General meetings. The Annual Planning begins at 9:00 a.m., to be followed by the General meeting at 11:00 a.m.

XI. The meeting adjourned at 1:05 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted.

CINDY Y. OMURA