

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

NOTICE OF MEETING

Disability and Communication Access Board

General Board Meeting

July 20, 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/9700765514> and enter Meeting ID:970 0765 5514, Passcode: OnFdas

To join by phone

Dial 1 669 900 6833 and enter Meeting ID: 970 0765 5514, Passcode: OnFdas

Public Testimony

Testimony or comments presented by members of the public during Board meetings shall be limited to three minutes per agenda item. In compliance with the Americans with Disabilities Act, a reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Board meeting agendas.

Members of the public may present comment or testimony during Board meetings on each agenda item. Public comment or testimony, if any, shall be presented on each agenda item before the Board deliberates on the item. After all public comment or testimony is presented, the Board shall deliberate on the agenda item without further comment or testimony from the public unless further public comment or testimony is requested by the Board.

Written Testimony -To ensure the public as well as its board members receive such testimony in a timely manner, written testimony should be submitted 24 hours prior to the scheduled meeting date and time. Any written testimony submitted after such time cannot be guaranteed to be distributed in time for the meeting. Written testimony may be submitted by one of the methods listed below:

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

AGENDA

- I. Call to Order
Review Remote Meeting Procedures
 - This meeting is being recorded.
 - A quorum of Committee members is required to be visible on screen.
 - Raise hand to speak unless called upon.
 - Identify yourself before speaking.
- II. Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. Approval of General Board Meeting Minutes of May 18, 2023
- V. Executive Director's Report
 - Board Member Confirmations
 - Update on Parking Program Special Fund
 - 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.”
 - Personnel
 - Recruitment for the Planner/ADA Coordinator and Communication Access Specialist positions – Update
 - DCAB Office Assistant position
 - Implementation of Department of Health – Telework Policy
 - Invitation to Board Members to Participate in Accessibility Conference held by the Office on Equality and Access to the Courts, Hawaii Judiciary on February 2, 2024.
- VI. Committee Reports
 - A. Executive Committee
No meeting held. No report.
 - B. Legislative Committee
No meeting held. No report.

- C. Standing Committee on Communication Access
 - Ratification of Committee meeting minutes on July 6, 2023
 - Update on proposed Communication Access section of the Plan of Action for Fiscal Year 2023-2024

- D. Standing Committee on Facility Access
 - Report on 2023 Disability Access Conference
 - Report on Facility Access Unit Telework

- 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.
 - Update on issuing letters to the County Mayors and places of public accommodation regarding voluntarily providing accessible and van accessible parking spaces in excess of the minimum ADA requirements, ensuring spaces are properly located on an accessible route and the spaces and route are maintained, and installation of a voluntary priority sign on van accessible spaces.
 - 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
 - Reorganization of the current listing of 88 original infographics on the spinhawaii.org website for ease of use.
 - Update on SEAC's Annual Report to the Department of Education.
 - Invitation to SPIN from the Monitoring and Compliance Branch to create infographics for each of the 17 performance indicators used for the Individuals with Disabilities Education Act accountability purposes.

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. Letter to Governor Green and County Mayors – Request to increase the number of reserved parking spaces for persons with disabilities in state parking facilities beyond the minimum Americans with Disabilities Act requirements. Update.
- E. Nominating Committee Report and Election of Officers for FY 2023-2024.

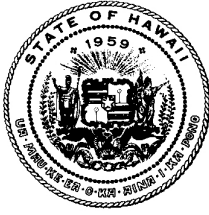
VIII. New Business

- A. Comments submitted in support of Federal Communications Commission proposed requirements for commercial mobile service providers that have elected to participate in the Wireless Emergency Alert system (WEA) to make WEA more accessible, including to people who primarily speak a language other than English or Spanish and people with disabilities who cannot access messages displayed in conventional formats.
 - B. Standing Committee on Transportation – Call for Members.
- IX. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meet.
- X. Next Meeting
- XI. Adjournment

If you need an auxiliary aid/service or other accommodation due to disability, contact Scott Castor at (808) 586-8121 or email dcab@doh.hawaii.gov 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 agenda and meeting materials for this meeting are 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 Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118
Date: May 18, 2023
Time: 11:00 a.m.

PRESENT: Violet Horvath, Chairperson; Anthony Akamine, Pauline Aughe, Ron Awa, Dean Georgiev, Nikki Kepo'o, Marie Kimmey, 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, Staff

ABSENT: Rosanna Daniel-Kanetake, Scott Fleming, Gerald Isobe, Summer Kozai, Justin Tokioka, Board Members

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

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Laura Safranski

REAL TIME

CAPTIONERS: April Chandler and Kelly Decamp

I. Chairperson Violet Horvath called the meeting to order at 11:04 a.m. She provided information about testimony or comments presented by members of the public during Board meetings.

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

III. Statement from Public and Written Testimonies Submitted

Kirby Shaw reported that staff did not receive any public or written testimonies.

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

Minutes of the March 16, 2023 General meeting were approved as circulated (M/S/P Townsend/Akamine).

V. Executive Director's Report

Kirby Shaw reported that Senate Bill 384 SD1 HD2 – Relating to Access for Disabled Persons (DCAB bill), that would authorize each county to adopt 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

ordinance, and authorize officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances, did not pass this legislative session. The bill will be carried over to the 2024 legislative session. Staff will request a meeting with the House Finance Committee to determine their concerns with the bill, if any. Staff will meet with County agencies and other advocacy groups to seek their support for this bill.

He provided an 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.” Staff continues to meet every two weeks with the Office of Enterprise Technology Services and the State Procurement Office. ETS will prepare draft Standards that will be distributed to a working group for review and comment.

Chairperson Violet Horvath acknowledged two Board members who will be completing their service on the Board, Pauline Aughe and Justin Tokioka. She read a thank you letter to Pauline Aughe and expressed her appreciation to Ms. Aughe for bringing important issues before the Standing Committee on Parking and her accomplishments while serving on the Board.

Kirby Shaw said that DCAB is awaiting word from the Governor’s Office on the status of three current Board members and an interested applicant to serve on the Board.

Kirby Shaw reported that the job announcements for the Planner/ADA Coordinator and Communication Access Specialist positions have been posted and recruitment is ongoing. Board member Nikki Kepo’o suggested that staff contact the University of Hawaii and community colleges regarding the Communication Access Specialist position.

He reported on the Department of Health’s (DOH) telework policy; eligibility of employee participation, evaluation after six months, and how telework may affect a program’s operations. Board member Charlotte Townsend commented on parameters as it relates to staff position responsibilities.

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 March 3, 2023, March 10, 2023, and March 17, 2023, and asked for a motion to ratify the minutes of those meetings (M/S/P Akamine/Horvath).

He reported that the 2023 Legislative Highlights were sent to members. He also provided an update on the metrics of the number of bills and resolutions reviewed by the Committee. A revised 2023 Legislative Highlights with the corrected metrics will be forwarded to members. The Committee met recently to complete its work for this year and looked at ways to be more efficient in their legislation review process in the future.

Guest Peter Fritz suggested that a list of legislative ideas should be prepared for the planning meeting for inclusion in next year's Plan of Action.

Guest Donald Sakamoto thanked DCAB for its support for bills that were related to persons who are blind and or have low vision; five bills were introduced and four passed.

C. Standing Committee on Communication Access

There was no meeting held and no report was provided.

D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Committee met on May 9, 2023. She reported that the Facility Access Unit (FAU) reviewed one thousand one hundred fifty projects from June 1, 2022 to May 8, 2023 of which five hundred seventy seven were new submittals. The FAU collected \$853,986 in fees during that same period.

She reported that the Committee voted to approve the proposed changes to the 2023-2024 Facility Access section of the Plan of Action to delete two action steps:

2.1.7 Evaluate the review fee rates charged for the review of plans under Section 103-50, Hawaii Revised Statutes, to determine whether the rates are adequate to sustain future budget requirements. **(Priority 1)**

2.1.8 Propose legislation to amend Section 103-50, Hawaii Revised Statutes, to increase the plan review fee rates to sustain future budget requirements. **(Priority 1)**

She also reported that the FAU Spring training on the Hawaii Outdoor Developed Areas Accessibility Guidelines (HODAAG) was completed on April 25, 2023. The 2023 Disability Access Conference is scheduled for June 29 and June 30, 2023 from 8:00 a.m. – 11:30 a.m. each day. The sessions will focus on the Fair Housing Act requirements and will feature Rex Pace from the Department of Housing and Urban Development, Bill Hecker from Hecker Design, LLC – Accessibility Consulting, and John Torkelson from theACCESSpartnership, l.p.

E. Standing Committee on Parking

Committee member Pauline Aughe reported that the Committee met on May 11, 2023. She reported that during the third quarter of fiscal year 2023, approximately seven thousand two hundred placards and three hundred twenty special license plates were reauthorized or issued. Of the placards, about one thousand nine hundred were temporary, five thousand three hundred were long term; and twenty six were Disabled Paid Parking Exemption Permits. Of the long term placards, DCAB issued two thousand three hundred renewals. The renewal rate was fifty nine percent.

She reported that staff sent six hundred ninety-two reminder emails to permittees of a pending permit expiration during the first two months of the third quarter. A crosscheck with the DOH's Vital Records flagged four thousand three hundred forty-four deceased permittees with active parking permits. Letters were sent to the estates of the deceased permittees, and forty one percent of the placards were returned, eight percent were reported as lost, and fourteen percent of the letters were returned as undeliverable.

She reported that staff is preparing to send letters to businesses that have parking lots with one hundred or more spaces to request that they consider increasing the number of accessible and or van accessible spaces, ensuring the spaces are connected to a properly maintained accessible route, and posting DCAB's priority sign for vehicles with a side mounted lift or ramp at van accessible spaces.

She reported that six submissions were received via the DCAB webpage to report parking placard misuse; one submission reported a parking space that did not comply with design requirements. Staff continues to procure year and month decals.

Bryan Mick reported that the Committee will recommend adding three objectives to the Plan of Action; one would be implementation of a travel parking placard for permittees who do not want disabled license plates as a second permit; introduction of legislation to suspend the driver's license of a person who illegally uses the parking permit of a deceased permittee; and introduction of legislation that would deposit a percentage of each fine collected for a violation of Chapter 291 Hawaii Revised Statutes into the respective accounts of the parking enforcement agencies that issue the citations.

F. Special Parent Information Network

Board member Anthony Akamine reported that SPIN had its first in-person conference in four years. The Conference was held on April 22, 2023 at the University of Hawaii Manoa Campus Center. The Conference drew a mixed audience of three hundred fifty two individuals; of that number, twenty four attended virtually, and fifty seven manned agency tables but did not attend workshops. Parent and professional attendees were evenly split, and fifteen college students from the Occupational Therapy Assistant Program at Kapiolani Community College attended workshops. The majority of attendees were from Oahu with sixty seven attending from the neighbor islands. Individuals who completed the conference evaluation rated it a positive learning experience. Fifty seven percent were attending the conference for the first time and ninety six percent of responders visited the resource area and were pleased with the number and diversity of the resources represented.

SPIN acknowledged six individuals at the awards luncheon, with Nikki Kepo'o awarded the SPIN Parent of the Year for her outstanding advocacy and service to children with disabilities and their families.

The Special Education Advisory Council formed an ad-hoc Committee on Dispute Resolution this school year. To address the current critical shortage of plaintiff attorneys for special education due process hearing requests, the Committee drafted a letter to the legal community for assistance in securing more legal representation for families of children with disabilities who wish to exercise their due process rights under the Individuals with Disabilities Education Act.

VII. Old Business

A. ADA Coordination

Kirby Shaw reported that DCAB held a State ADA Coordinators meeting on April 11, 2023, and a County ADA Coordinators meeting on April 13, 2023. At both meetings, DCAB provided an update on the Program and Services Manual, the Hawaii Electronic Information Technology Accessibility Act, and the revised guidance on the provision of auxiliary aids and services due to a disability at public meetings and events. He reported that staff responded to one hundred seventy technical assistance requests that included service animal questions, grievance procedures, accommodation notice requirements, parking inquiries, re-voicer, adult changing tables, public restrooms, automatic doors, sign language interpreters, wheelchair lifts at Iolani Palace, access to store entrances, and access to sidewalks.

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 that DCAB distributed the Guidance to the Office of Information Practices which published it on their website and distributed the same to recipients of its "What's New" newsletter. The Guidance was also distributed to State and County ADA Coordinators.

Guest Peter Fritz suggested that DCAB follow up with the ADA Coordinators to reinforce the language on the Guidance.

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

Kirby Shaw reported that the Programs and Services Manual is nearing completion, and the Manual could be sent to Board members to review. Board member Charlotte Townsend commented that staff should create a training program for employees on the Manual. Kirby Shaw said it could be incorporated as an action step in the Plan of Action.

Guest Donald Sakamoto commented regarding problems he encountered with certain meeting information accessibility. Guest Peter Fritz reiterated his concern about language to request an accommodation and DOH's grievance procedures.

- D. 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. Update.

Kirby Shaw reported that staff has not received a response to the letter to increase the number of reserved parking spaces for persons with disabilities in state parking facilities from the Governor's Office. He said staff will follow up with the process.

- E. Amendment to the Board Bylaws to establish a Standing Committee on Transportation to focus on public and private modes of transportation, including bus, paratransit, rail, and air travel.

Kirby Shaw reported that the proposal to establish a Standing Committee on Transportation was sent to Board members. The amendment to the bylaws was approved (M/S/P Townsend/Kepo'o).

VIII. New Business

- A. H.R. 1267 Air Carrier Access Amendments Act of 2023. Staff Summary.

Kirby Shaw reported staff is recommending that DCAB send a letter to Hawaii's Congressional delegation to request co-sponsorship of this bill, and to also send letters to the Chairs of the respective Senate and House Committees (M/S/P Horvath/Spinola-Campbell).

- B. Appointment of Members to the Nominating Committee – Officers for Fiscal Year 2023-2024

Chairperson Violet Horvath asked for volunteers to serve on the Nominating Committee. Board members Nikki Kepo'o, Marie Kimmey, and Gerald Ohta volunteered to serve on the Committee. The Committee will present the proposed slate of officers at the July 20, 2023 General meeting.

- C. Proposed Board Meeting Schedule for Fiscal Year 2023-2024

There was no discussion on the proposed Board meeting schedule for next fiscal year. Board meetings will be held on the third Thursday, every other month at 11:00 a.m. to 1:00 p.m. Meetings will be held on July 20, 2023; September 21, 2023; November 16, 2023; January 18, 2024; March 21, 2024, and May 16, 2024.

- D. Proposal to Hold Hybrid Board Meetings

Chairperson Violet Horvath said that the federal Public Health emergency for COVID-19 ended on May 11, 2023. Board members unanimously agreed to continue holding hybrid meetings.

On a separate note, Board member Charlotte Townsend asked staff about the status of the loading zone in front of the Kamamalu Building. Kirby Shaw said that he will follow up with the City and County of Honolulu regarding the loading zone.

E. Annual Planning Meeting – July 20, 2023

Chairperson Violet Horvath reminded members that the Annual Planning meeting is scheduled for July 20, 2023 beginning at 9:00 a.m. followed by the General meeting at 11:00 a.m.

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

Guest Peter Fritz reported that the Deaf Blind Task Force has a list of bills that passed this legislative session, and a public bill signing is being arranged.

Guest Donald Sakamoto reported on the Honolulu Rate Commission meeting on bus and paratransit fare increases and to discuss what the plans are for the bus, paratransit, and rail systems.

Board member Anthony Akamine in response to a question from guest Donald Sakamoto informed members about a Statewide Elections Accessibility Needs Advisory Committee meeting scheduled for May 23, 2023 at 1:30 p.m.

Guest Annette Tashiro informed the Board that the State Rehabilitation Council may hold a strategic planning day on August 4, 2023.

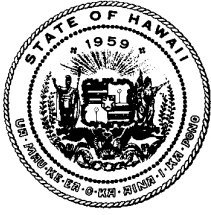
- X. Chairperson Violet Horvath reminded Board members that the next General meeting will be held on July 20, 2023 following the Annual Planning meeting. The General meeting is scheduled to begin at 11:00 a.m.

- XI. The meeting adjourned at 1:02 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

CINDY OMURA



DISABILITY AND COMMUNICATION ACCESS BOARD

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2023 LEGISLATIVE HIGHLIGHTS METRICS

Monitor: 22 Bills
Comments: 8 Bills
Support Intent: 18 Bills/7 Resolutions
Support or support with comment: 50 Bills/15 Resolutions
Oppose: 1
Total measures: 121
Total testimonies: 104

NOTABLE MEASURES PASSED 2023 LEGISLATIVE SESSION

HB 218 HD2 SD2 CD1 Relating to Prescription Drugs - Requires certain pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading prescription drug container labels and inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading prescription drug container labels. Requires the board of pharmacy to adopt certain rules by 12/31/2025.

HB 388 HD1 SD2 CD1 Relating to Education - Adopts the National Instructional Materials Accessibility Standard. Requires the department of education to obtain instructional materials in accessible formats for eligible students.

HB 794 HD1 SD1 Relating to Disability Awareness - Designates the month of October as "Disability Awareness Month: Employment, Enrichment, and Inclusion" in recognition of the employment challenges and successes of persons with disabilities in the State.

HB 834 HD1 SD1 Relating to American Sign Language - Recognizes American Sign Language as a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage.

HB 870 HD2 SD1 CD2 Relating to Neighbor Islands Blind and Visually Impaired Service Pilot Program - Requires the department of human services to establish a neighbor islands blind and visually impaired service pilot program that provides training and other services to blind or visually impaired individuals residing on the neighbor islands. Requires the department of human services to establish a working group and submit an implementation plan to the legislature before the regular session of 2024. Requires the department to report to the legislature prior to the regular session of 2027. Appropriates funds.

HB 907 HD2 SD2 Relating to Telehealth - Temporarily allows for the reimbursement of services provided through telehealth via an interactive telecommunications system and two-way, real-time audio-only communications in certain circumstances. Defines "interactive telecommunications system". Repeals 12/31/2025.

HB 933 HD2 SD1 CD1 Relating to Telecommunications Access for Individuals with Print Disabilities - Appropriates funds to the Public Utilities Commission to provide free telecommunications access to certain information for individuals with a print disability.

SB 214 SD1 HD1 CD1 Relating to Public Transit - Establishes the offense of interference with the operation of a public transit vehicle. Makes clarifying and conforming amendments to the offense of interference with the operator of a public transit vehicle.

SB 1076 SD2 HD2 CD1 Relating to Elections - Requires the Office of Elections to prepare a digital voter information guide; post the guide on its website in compliance with certain accessibility standards; and mail each ballot with a notice that states a voter information guide may be found on its website. Requires the Attorney General and county corporation counsels to draft explanations of proposed constitutional or charter amendment ballot questions and translate them into certain languages for purposes of the digital voter information guide. Appropriates funds.

HR 191 HD1/SR 26 SD1 – Requesting the Disability and Communication Access Board to Convene an American Sign Language Interpreter Workforce Working Group for the Purpose of Promoting the Increase of American Sign Language Interpreters in the State.

HR 192/SCR 44 SD1 - Urging the Hawaii Emergency Management Agency to Include in All Live and Recorded Emergency Alert System Video Broadcasts, an On-Screen Interpreter Disseminating the Emergency Information in American Sign Language at All Times, including During Graphic Presentations.

NOTABLE MEASURES TO CARRYOVER TO 2024 LEGISLATIVE SESSION (Excluding Resolutions)

SB 384 SD1 HD2 Relating to Access for Disabled Persons - Authorizes each county to adopt 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 ordinance. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances. Effective 6/30/3000.

SB 606 SD2 Relating to Hearing Aids - Exempts from the general excise tax, gross receipts received by a hospital, infirmary, medical clinic, health care facility, pharmacy, or a practitioner licensed to administer drugs to an individual, from the sale of hearing aids

SB 609 SD1 Relating to Hearing Aids - Requires health insurance policies and contracts issued on or after 01/01/2024 to provide coverage for the cost of hearing aids at a minimum of an unspecified amount per hearing aid for each hearing-impaired ear every thirty-six months. Effective 12/31/2050

SB 612 SD1 HD1 Relating to Service Animals - Requires that a written disclaimer be provided by sellers or providers of emotional support animals or certificates or

identification tags for emotional support animals that the animal is not a service animal or the item does not qualify as an item for a service animal and that knowingly misrepresenting an emotional support animal may be a violation. Establishes penalties. Effective 6/30/3000.

SB 753 SD2 HD1 Relating to Accessibility - Requires retail establishments with an employee toilet facility to allow a customer suffering from an eligible medical condition to use that restroom during normal business hours under certain conditions. Establishes fines. Effective 12/32/2050.

HB 415 HD2 SD2 Making an Appropriation to Implement the Recommendations of the Task Force on Mobility Management, Established Pursuant to Act 214, Session Laws of Hawaii 2013 - Appropriates funds to the Department of Transportation to implement the recommendations of the task force on mobility management established pursuant to Act 214, SLH 2013.

HB 1145 HD1 SD1/SB 389 SD1 HD2 Relating to Equity - Requires all places of public accommodation and state building construction constructed after 12/31/23 to provide universal changing accommodations in public restrooms.

HCR 49 – Requesting the Establishment of a Telehealth Working Group to Examine the Impact of Widespread Telehealth Adoption During the Covid-19 Pandemic and Identify Public Policy Initiatives at the Federal and State Level to Optimize Telehealth Utilization as the State Transitions Out of the Covid-19 Pandemic



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MINUTES

Disability and Communication Access Board General Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118
Date: July 20, 2023
Time: 11:00 a.m.

PRESENT: Violet Horvath, Chairperson; Ron Awa, 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, Susan Rocco, Bryan Mick, Sue Radcliffe, Staff

ABSENT: Anthony Akamine, Rosanna Daniel-Kanetake, Scott Fleming, Dean Georgiev, LisaAnn Tom, Board Members

GUESTS: Peter Fritz; Curt Kiri, CK Independent Living Builders; Donald Sakamoto, Citizens for a Fair ADA Ride; Annette Tashiro, State Rehabilitation Council

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

I. Chairperson Violet Horvath called the meeting to order at 11:08 a.m. She provided information about testimony or comments presented by members of the public.

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

III. Statement from Public and Written Testimonies Submitted

Kirby Shaw reported that staff did not receive public written testimony. Guest Peter Fritz had a procedural comment on submitting testimony to the Board.

IV. Approval of General Board Meeting Minutes of May 18, 2023

Minutes of the May 18, 2023 General meeting were approved as circulated (M/S/P Awa/Townsend).

V. Executive Director's Report

Kirby Shaw reported the Governor's Office informed DCAB that Scott Fleming, Dean Georgiev, Michael Nojima, and LisaAnn Tom have been confirmed as voting members of the Board.

He updated Board members on the collaboration between the Office of Enterprise Technology Services (ETS) and DCAB that produced a draft of the Hawaii Electronic Information Technology Disability Access Standards. Invitations to participate on the Working Group will be sent to interested parties to review, identify areas of concern, and provide advice on the Standards.

Kirby Shaw provided an update on the Parking Program Special Fund, which started on January 1, 2023. Deposits of \$1.00 from each motor vehicle registration fee is deposited into the fund and all costs associated with the parking program will be appropriated from this fund beginning July 1, 2023.

He updated Board members on the Planner/ADA Coordinator position and stated that the job announcement was revised to indicate the salary and emphasize the involvement with State and County ADA matters. Staff is still recruiting for the Planner/ADA Coordinator and the Communication Access Specialist positions. He announced that Christine Holmes is the new DCAB Office Assistant. She moves from the Parking Program, and there is now a vacancy in that Unit.

He provided an update on the Department of Health's (DOH) Telework Policy and how some DCAB staff are teleworking two (2) days a week with all staff in the office on Wednesdays.

Kirby Shaw met with the Director of the Office on Equality and Access to the Courts, Hawaii State Judiciary. The Office will be holding an Accessibility Conference on February 2, 2024, and asked for participation from Board members because of their insight into disability issues.

VI. Committee Reports

A. Executive Committee

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

B. Legislative Committee

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

C. Standing Committee on Communication Access

Committee Chairperson Gerald Isobe reported that the Committee met on July 6, 2023, and requested ratification of the July 6, 2023 meeting minutes. The minutes were ratified (M/S/P Kepo'o/Ohta).

D. Standing Committee on Facility Access

Duane Buote reported that the Committee has not met since the last Board meeting. He provided information on the 2023 Disability Access Conference which was held virtually on June 29 and June 30, 2023 with topics on the Fair Housing Act. There was an average of one hundred fifty seven (157) attendees at each session.

He also reported that the Facility Access Unit staff have started teleworking two (2) days a week. Because staff have shown the ability to complete their work while teleworking during the pandemic, the new telework schedule is not expected to affect the Unit's work output.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on July 13, 2023. She reported that roughly seven thousand nine hundred (7,900) placards were issued and three hundred fifty eight (358) special license plates were reauthorized or issued in the fourth quarter. Of the placards, around two thousand (2,000) were temporary, five thousand nine hundred (5,900) were long term, and twenty one (21) were Disabled Paid Parking Exemption Permits. Of the long term placards, about two thousand four hundred eighty eight (2,488) were renewals issued by DCAB. The renewal rate was sixty six percent (66%).

She reported that staff is preparing to send letters to businesses that have parking lots with one hundred (100) or more spaces asking to consider increasing the number of accessible and/or van accessible spaces, ensure the spaces are connected to a properly maintained accessible route, and consider placing the priority signs for vehicles with a side mounted lift or ramp at their van accessible spaces. Letters were sent to the four (4) County Mayors asking to increase the number of accessible and van accessible spaces at county facilities, and to install signs at van accessible spaces indicating the priority is for vehicles with side mounted lifts or ramps.

She reported that during the fourth quarter, one thousand sixty (1,060) emails were sent to permittees to remind them of their placard expiration date. Twelve (12) submissions were received via the webpage to report parking placard misuse; and one submission was received reporting a non-design complaint space.

A crosscheck with the DOH Vital Records Branch will be done this fiscal year, and staff is preparing to solicit bids to procure temporary and long term placards.

Guest Curt Kiriu had a question regarding businesses that have accessible parking stalls, "Who is responsible to monitor the stalls?" Kirby Shaw explained the various obligations and avenues for enforcement regarding accessible parking. Bryan Mick explained the rules and requirements for placard use in Hawaii. Guest Donald Sakamoto added that more education is needed on the special license plates and parking in accessible stalls.

F. Special Parent Information Network

Susan Rocco reported that SPIN created its first infographic six (6) years ago and SPIN's website collection has grown to eighty eight (88) and counting. Infographics have been proven to be more effective than plain prose at creating interest in a topic and helping the reader to retain key facts and messages. In early July, SPIN staff further organized the collection into nine (9) categories: Deaf/Hard of Hearing/Deaf-Blind Collection; Health and Well-Being Collection; MCH LEND & SPIN Collection; School Supports Collection; SPIN Conference Workshops Collection; Special Education Advisory Council (SEAC) Collection; SPIN & Monitoring and Compliance (MAC) Branch Collection; Transition to Adulthood Collection; Catch All Collection (finances, assistive technology, tips and more).

SPIN was asked by the Department of Education's (DOE) Monitoring and Compliance Branch to assist in creating or updating existing infographics for seventeen (17) indicators the Office of Special Education Programs uses to measure compliance with and results relating to the Individuals with Disabilities

Education Act (IDEA). The aim is to involve more stakeholders in monitoring these indicators and weighing in on improvement efforts.

SPIN staff is in the process of drafting the Report of the Special Education Advisory Council's activities for school year 2022-2023 along with recommendations to the Superintendent of Education. A multipage infographic on current data pertaining to students receiving special education supports has been vetted by the DOE and is available to all special education stakeholders. The infographic helps raise awareness of how Hawaii compares to other states and territories on key accountability measures.

VII. Old Business

A. ADA Coordination

Kirby Shaw reported that staff responded to fifty one (51) ADA-related inquiries since the last Board meeting. DCAB held meetings of the State and County ADA Coordinators on July 11, and July 13, 2023, respectively, with topics that included discussion on the Guidance document and grievance procedure. The Guidance document discussion focused on whether the sample statement regarding an accommodation request is legally binding, and whether a department or agency accommodation wording complies or conflicts with the requirements of Hawaii Revised Statutes Section 92-7 (Sunshine Law). Digital content accessibility training sessions for State ADA Coordinators is scheduled to begin in either September or October.

Guest Peter Fritz indicated that the Programs and Services Manual included items that DOH is not following the language. He commented on wording in sections of the Manual and on agendas that are posted on the State calendar on how to request an accommodation.

Board member Charlotte Townsend made a motion to move forward with the Manual, then improvements can be made. Guest Peter Fritz said you can release Manual as is and then go through and address some of the issues. He said that the Manual should be updated after all the bills have been signed by the Governor and put into action. With discussion on the Programs and Services Manual (agenda item VII, C.) under this agenda item, Chairperson Violet Horvath asked if Board members had any objections to taking agenda item VII, C. out of order.

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 DCAB provided training on the Guidance document to State and County ADA Coordinators.

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

Kirby Shaw said that Board members received a draft copy of the Programs and Services Manual. Discussion on the Programs and Services Manual was held on agenda item VII. A. Board member Charlotte Townsend had made a motion to move the Manual forward (M/S/P Townsend/Spinola-Campbell). Chairperson

Violet Horvath asked that the Board revise the Manual as issues arise or at a minimum annually.

Board member Charlotte Townsend amended her original motion to move the Programs and Services Manual forward by adding that the Manual will be reviewed and updated at a minimum on an annual basis (M/S/P Townsend/Ohta).

- D. Letter to Governor Green and County Mayors – Request to increase the number of reserved parking spaces for persons with disabilities in state parking facilities beyond the minimum Americans with Disabilities Act requirements. Update.

Kirby Shaw reported the letters to Governor Green and the four (4) County Mayors were sent and staff will follow up as to status. Guest Curt Kiriu inquired if an ADA Coordinator is similar to an inspector for compliance. Kirby Shaw briefly explained the role of an ADA Coordinator. Guest Curt Kiriu asked how the State and County would get better oversight and compliance from private facilities. Board member Charlotte Townsend stated that is one of the limitations of the law, that there is no enforcement mechanism to correct deficiencies. Kirby Shaw explained that the ADA is a federal law, and there are some limitations on enforcement. Guest Peter Fritz spoke about Hawaii Civil Rights Commission (HCRC) assistance on disability complaints. DCAB may want to request a presentation from HCRC to see how both Boards can work together on enforcement.

- E. Nominating Committee Report and Election of Officers for FY 2023-2024.

Board member Marie Kimmey reported for the Nominating Committee. The Committee included Nikki Kepo'o and Gerald Ohta who presented the proposed slate of officers for next fiscal year. The proposed slate: Chairperson, Violet Horvath and Vice Chairperson, Charlotte Townsend. The proposed slate was approved (M/S/P Awa/Spinola-Campbell).

VIII. New Business

- A. Comments submitted in support of Federal Communications Commission proposed requirements for commercial mobile service providers that have elected to participate in the Wireless Emergency Alert system (WEA) to make WEA more accessible, including to people who primarily speak a language other than English or Spanish and people with disabilities who cannot access messages displayed in conventional formats.

Kirby Shaw reported that comments in support of the proposed requirements were submitted to the Federal Communications Commission.

- B. Standing Committee on Transportation – Call for Members.

Chairperson Violet Horvath called for members to serve on the Committee. Board members Teri Spinola-Campbell, Violet Horvath, Charlotte Townsend, and Gerald Ohta volunteered to serve on the Committee.

IX. Open Forum

Chairperson Violet Horvath spoke about the John A Burns School of Medicine students graduating being able to work with persons with disabilities and increasing the number of students with disabilities. A student who is graduating and has a disability has proposed

a disability interest group, proposed a disability elective, and a disability certificate of distinction. If anyone is interested in interacting with the students to help train them to work with various kinds of disabilities, contact her at vhorvath@hawaii.edu.

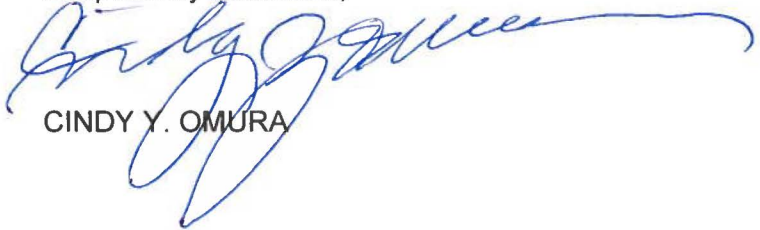
Guest Donald Sakamoto spoke about the news segments of problems with Handi-Van.

Guest Curt Kiriu inquired if there is a Standing Committee on Housing. Kirby Shaw explained there is no Committee, but the Standing Committee on Facility Access covers various topics including accessible housing. Chairperson Violet Horvath is a proponent of Universal Design. Board member Charlotte Townsend suggested writing a letter to Governor Green to request including an individual with knowledge on accessible design or an individual with a disability to provide input on accessible housing to be included as housing advisors.

- X. The next General meeting is scheduled for September 21, 2023 beginning at 11:00 a.m.
- XI. The meeting was adjourned at 1:00 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,



CINDY Y. OMURA