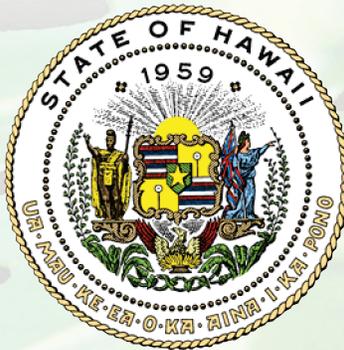


REPORT TO THE
TWENTY-FIFTH LEGISLATURE
STATE OF HAWAI'I
2009

PURSUANT TO
SECTION 348F-4, HAWAII REVISED STATUTES,
DISABILITY AND COMMUNICATION ACCESS BOARD
ANNUAL REPORT
FISCAL YEAR 2007-2008

PREPARED BY:
STATE OF HAWAI'I
DEPARTMENT OF HEALTH
DISABILITY AND COMMUNICATION ACCESS BOARD
OCTOBER 2008



ANNUAL REPORT

Disability and Communication Access Board

July 1, 2007 – June 30, 2008

**Linda Lingle, Governor, State of Hawaii
Chiyome Leinaala Fukino, M.D., Director of Health**

**Disability and Communication Access Board (DCAB)
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OVERVIEW

The Disability and Communication Access Board (DCAB) is a Governor-appointed, statewide, 17-member Board whose mission is to advocate and promote the full integration of independence, equal access, and quality of life for persons with disabilities in society. This Report highlights key accomplishments for the year July 1, 2007 – June 30, 2008.

DCAB BOARD

Charles Fleming, Chairperson
Marie Kimmey, Vice Chairperson

Dean Aoki
Ronald Awa
Nani Fife
Sharon Fountain
Dean Georgiev

Mark Giblin
Brian Kajiyama
Lucy Miller, Ph.D.
Glenn Morgan
Patricia Nielsen

Mark Obatake
Norman Olesen
Correna Pawn-White
Christina Pilkington

STAFF

Francine Wai, Executive Director
Debbra Jackson, Planner

Charlotte Townsend, Coordinator Program and Policy Development Unit
Peter Harrer, Program Specialist
Judy Paik, Program Specialist
Kristine Pagano, Communication Access Specialist
Leonard Lau, Program/IT Specialist

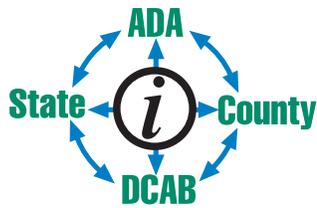
Curtis Motoyama, Facility Access Coordinator
Gary Batcheller, Facility Access Specialist
Duane Buote, Facility Access Specialist
Mona Higa, Facility Access Specialist
David Poe, Facility Access Specialist
Laurie Palenske, Facility Access Support Specialist

Susan Rocco, SPIN Coordinator
Jan Tateishi, SPIN Program Specialist

Cindy Omura, Secretary/Researcher
Jacob Dalton Communication Access Technician
Rene Clymer, Clerk Typist/Researcher
James Letoto, Office Assistant

CIVIL RIGHTS, JUSTICE, AND CITIZENSHIP

State and County Americans with Disabilities Act (ADA) Coordination



Governor Lingle, per Administrative Directive 06-02, reaffirmed the State of Hawaii's commitment to compliance with the Americans with Disabilities Act (ADA) and mandated a coordinating role for DCAB. DCAB coordinated and staffed quarterly meetings of both the State ADA Coordinators and the four (4) County ADA Coordinators for information dissemination and sharing. DCAB also launched a State ADA web site with a link from the DCAB web site. Technical assistance was provided to the Coordinators in response to complaints against State or County agencies under the ADA. DCAB also updated its "Programs and Services Manual," a comprehensive guide for State agencies to provide equal access for people with disabilities seeking State services.

Training on ADA Titles II and III, and Consumer Advocacy



As part of an ongoing commitment to provide training on customer service, DCAB conducted fourteen (14) trainings on either Title II of the ADA or general disability awareness to improve access to programs and services. In addition, DCAB hosted twelve (12) Pacific ADA Center audio conference calls on the ADA and made them available at no cost to State ADA Coordinators. In order to provide more structure and consistency to its trainings, DCAB developed an ADA Curriculum for State and County agencies. The curriculum was widely distributed to State and County ADA Coordinators and posted on the DCAB web site. The counterpart to DCAB agency training is training to consumers. DCAB conducted four (4) trainings for consumers, two (2) of which were on understanding the legislative process and making an impact on disability-related legislation at the State level. ADA training and technical assistance is supported, in part, through a collaborative Memorandum of Agreement and contract with the federally-funded Pacific ADA Center.

Federal ADA Legislation and Rules Analysis



Fiscal year 2007-2008 saw significant effort at the federal level to seek changes and improvements to the ADA. Congress introduced the ADA Restoration Act to amend the definition of a "person with a disability" in response to the Supreme Court's decisions unfavorable to the disability community and contrary to its original intent. The bill has since been re-named The ADA Amendments Act and is supported by DCAB and many others across both disability and business groups nationwide. In May 2008, the U.S. Department of Justice also released its first overhaul of their administrative rules for Titles II and III with intent to adopt a new Americans with Disabilities Act Accessibility Guidelines (ADAAG). DCAB has worked extensively on analyzing the proposed rules, coordinating with the community to submit comments, and tracking the progress of the rules.

CIVIL RIGHTS, JUSTICE, AND CITIZENSHIP (cont.)

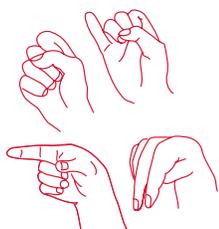
Voting Access



In cooperation with the State Office of Elections, DCAB completed Year Four of the Help America Vote Act (HAVA), Election Assistance for Individuals with Disabilities (EAID) grant and began preparations for access to the 2008 elections. In 2008, the State Office of Elections hired an Elections Specialist focusing on disability issues and access. DCAB worked closely with the new Elections Specialist to implement a voter education and outreach campaign to include information on the accessibility of polling sites and the voting process including the use of the DRE machine by people with disabilities.

COMMUNICATION ACCESS

Hawaii Quality Assurance System



DCAB administered the Hawaii Quality Assurance System (HQAS) test to credential sign language interpreters who do not possess national certification to nine (9) applicants and a local language proficiency test (+H) to three (3) applicants. DCAB also developed two (2) HQAS operational manuals for procedural operations of the program.

Hawaii Administrative Proposed Rules 11-218



DCAB proposed changes to the Hawaii Administrative Rules Title 11, Chapter 218, "Communication Access Services for Persons who are Deaf, Hard of Hearing, and Deaf-Blind" to include recognizing new sign language interpreter credentials from the National Interpreter Certification (NIC) and recommended fee schedule increases for real time captioners. A public hearing is planned for FY 2008-2009.

Communication Access Providers on Web Site



DCAB updated the Communication Access web page to include, for the first time, a listing of communication access providers who agreed to have their information and photo posted on our web site. Posted information included contact and credential information and the provider's photo to especially assist consumers who are Deaf and hard of hearing in selecting a preferred interpreter or captioner.

FACILITY ACCESS

Document and Master Plan Reviews



Section 103-50, Hawaii Revised Statutes (HRS) requires that all buildings, facilities, and sites of the State and Counties, including those utilizing State and County monies, be constructed to meet the requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and any other guidelines adopted by DCAB. In FY 2007-2008, DCAB conducted 1,126 document reviews and rendered three (3) interpretive opinions on design guidelines applicable to §103-50, HRS projects.

Recognizing the need to incorporate accessibility at the earliest stages of planning and conceptual design, DCAB conducted seven (7) reviews of urban plans, project master plans, and draft environmental impact statements and provided technical comment.

Pedestrian Access



As a member of the Department of Health's Safety and Healthy Community Environments Committee, DCAB promotes accessible design in public rights-of-way to emphasize pedestrian safety including persons with disabilities.

Training and Technical Assistance, and Awards



DCAB coordinated the 2007 Design For All Conference and conducted five (5) workshops or training sessions for the architectural and engineering community on accessible and exemplary design, developed seven (7) "Access E-Bulletins" to disseminate information on facility access, and responded to 1,209 requests by fax from design professionals for assistance on accessible design guidelines.

DCAB coordinated the 2007 Accessible Design Awards, which recognized accessible and exemplary design of public and private buildings, facilities, sites, and recognized the awardees at the 2007 Design For All Conference.

Code Analysis



DCAB conducted analyses and provided technical assistance and testimony on the following design codes to include accessibility comparable to ADAAG: the International Building Code 2006, International Residential Code 2006, and ICC/ANSI A117.1-2008 Accessible and Usable Buildings and Facilities. In addition, DCAB continued to monitor the progress of the Statewide Building Code.

EDUCATION AND TRAINING

The goals and objectives of DCAB in the area of Education and Training are executed by the Special Parent Information Network (SPIN) under a Memorandum of Agreement with the State Department of Education. Fiscal year 2007-2008 marked the twenty-third year of DCAB's collaboration with the Department of Education to fund SPIN.

SPIN 'Warm Line'



The SPIN 'warm line' provides information to parents on the programs and services available for their children, as well as support on how to parent a child with special needs. In FY 2007-2008, SPIN provided assistance on 1,450 warm line phone calls and emails.

Parent and Professional Training



In an ongoing effort to provide information to parents and professionals, SPIN sponsored its annual conference "SPIN Your Day the Circus Way" on April 19, 2008 with three hundred sixty one (361) participants in attendance. SPIN also conducted seven (7) additional individualized presentations to parents or professionals on subjects ranging from positive behavioral supports to due process.

SPIN Newsletter and Web Site



SPIN offered information to parents beyond workshops and the 'warm line' through the provision of four (4) regular and one (1) special edition of the SPIN newsletter and the maintenance of a SPIN web site that is also linked to the DCAB web site. The special edition of the newsletter is given to all families with a child with an Individualized Education Program through the Department of Education school system. During the drafting of revisions to Hawaii's special education regulations, SPIN posted all documents and discussions under a web page called the Chapter 56 Community Work Group to ensure transparency and public input for the process.

Individuals with Disabilities Education Act (IDEA) Implementation



With the passage of revisions to IDEA, SPIN collaborated with and provided staff support to the Special Education Advisory Council (SEAC) to review the Department of Education's Annual Performance Report, budget, Chapter 56 revisions, and due process hearing decisions. SPIN researched new provisions for Chapter 56 relating to the transfer of rights at the age of majority and helped to support legislation to create two (2) additional options in State statute to allow for parents or others to represent the student in educational planning after age 18. SPIN also drafted the SEAC's "Report on Due Process Hearings for the 2006-2007 School Year" that reviewed local and national data and made recommendations to reduce special education litigation.

COMMUNITY LIVING

QUEST and QUESTExA Implementation



As a member of the QUEST Expanded Access (QExA) Advisory Group, DCAB attended five (5) meetings, provided input to the Department of Human Services on the Request for Proposals for managed care, and assisted in public education and outreach to implement the new plan components.

Increasing Community-Based Services



DCAB researched and supported legislation to expand, improve, and develop community-based services and benefits related to persons with disabilities. Some of the legislation that DCAB monitored and or supported included increasing funding for family caregiving; extending adult protective services to vulnerable adults; establishing a temporary autism disorders benefits and coverage task force for parents of children with autism relating to services and benefits; reducing the minimum length of hospitalization for mental illness from ninety (90) to sixty (60) days for individuals recommitted after conditional release; making an assault on persons employed at state-operated or state-contracted mental health facilities a Class C felony; and extending the exemption from the county civil service laws for selected contracts for building, custodial, and grounds maintenance services with qualified community rehabilitation programs.

Emergency Preparedness Planning and Initiatives



Monies were obtained from the Centers for Disease Control, U.S. Department of Health and Human Services through the Public Health and Emergency Preparedness Cooperative Agreement to conduct statewide forums on emergency preparedness for persons with disabilities. With these funds, DCAB collaborated and coordinated with the State Civil Defense agency and State Council on Developmental Disabilities to conduct five (5) statewide community forums on Emergency Preparedness for Persons with Disabilities and Special Health Needs. Representatives from Guam and American Samoa were included in the Oahu forum to provide feedback from their respective disability communities. Input from these forums provided the basis from which DCAB and the Interagency Working Group prepared the “2008 Interagency Action Plan for the Emergency Preparedness of People with Disabilities and Special Health Needs.” In addition, DCAB supported legislative initiatives to increase emergency preparedness and sheltering in the State and conducted three (3) presentations on Emergency Preparedness for Individuals with Disabilities and Special Health Needs to community groups.

PARKING

Issuance of Parking Placards to Qualified Persons with Disabilities



DCAB administers the statewide parking program for persons with disabilities in the State of Hawaii per §291, Part III, of the Hawaii Revised Statutes. The four (4) counties issue the parking permits on behalf of the State. Thirty thousand six hundred thirty seven (30,637) placards were issued to qualified persons with mobility impairments in FY 2007-2008. The numbers of placards issued by county was as follows: City and County of Honolulu 20,876 (68%), County of Hawaii 4,502 (15%), County of Maui 3,276 (11%) and the County of Kauai 1,983 (6%). Of the total placards issued 25,221 or 82% were four-year or permanent placards and 5,416 or 18% were temporary placards issued for a period of six (6) months or less. A total of 77,475 individuals held active placards as of June 2008.

In an effort to remove invalid placards from circulation, DCAB retrieved 224 placards from the estates of deceased placard holders for a return rate of 35% from letters mailed and 6,789 expired placards upon renewal of the expired placard.

Public Education and Outreach



DCAB implemented a public education program to ensure proper use of accessible parking stalls. Staff conducted four (4) speaking engagements to civic organizations to increase public awareness, completed four (4) public service announcements at Regal Theaters that ran for twelve (12) weeks and issued a Special Edition of the "Hailono Kina" newsletter on parking.

Design of Accessible Parking Spaces



DCAB continued to work with the County police departments and parking control agencies to enforce the correct use of accessible parking spaces. When DCAB received complaints from consumers about parking stalls that are incorrectly designed or marked, DCAB worked with businesses and management agencies to seek voluntary compliance to correct design standards.

TRANSPORTATION AND TRAVEL

Accessible Ground Transportation



DCAB's efforts to promote accessible ground transportation focused on Oahu with the most developed public transit system. At the county level, DCAB served on the City and County of Honolulu's Department of Transportation Services' Advisory Committee for Accessible Transportation to provide technical assistance. At the state level, DCAB staff provided comments to the State Department of Transportation for the formulation of the "Coordinated Public Transit – Human Services Transportation Plan" for submission to the U.S. Department of Transportation, Federal Transit Administration (FTA). The submission of this plan will enable the state to receive and effectively and collectively utilize FTA 5310 program funding.

Nondiscriminatory Drivers Licensing Procedures



DCAB served on the State Department of Transportation's Task Force to develop new administrative rules and procedures for the medical and physical eligibility of individuals to obtain a motor vehicle license. The administrative rules were finalized by the Task Force and approved by the Governor in FY 2007-2008. The final action of the Task Force is to develop an instruction video on the new procedures for issuing agency staff. The video is targeted for completion by the end of this calendar year.

Accessible Air Travel



DCAB updated and printed the "Hawaii Traveler Tips" guide for each county to assist visitors with disabilities or health conditions by providing information about the accessibility of our airports, transportation system, and availability of services. DCAB distributed four hundred (400) copies to the State Department of Transportation Airports Division for distribution to the Visitor Information Centers at State airports on all islands.

Accessible Water Transportation Systems



DCAB provided recommendations, technical assistance and customer service training to Hawaii SuperFerry Inc. on providing accessibility to their interisland ferry vessel and services for passengers with disabilities. DCAB also provided comments to the City and County of Honolulu, Department of Transportation Services on the accessibility of their trial commuter ferry service operating between Honolulu Harbor and Kalaeloa (Barbers Point) Harbor.

EMPLOYMENT

Employment Plans and Policies



DCAB worked to ensure that policies, procedures and administrative actions enhance opportunities for employment of qualified persons with disabilities by providing technical assistance and consultation to government and private agencies. DCAB reviewed and commented on the qualification standards for jobs that require a drivers license, worked with the Department of Human Resources Development regarding the use of interpreters for deaf applicants taking civil service examinations, and examined appropriate pre-offer and post-offer questions during the hiring process. DCAB also assisted the County of Hawaii on policies relating to retaliation and disability harassment in the workplace.

Employment Nondiscrimination Training



DCAB staff developed five (5) ADA Title I employment curricula modules for State and County training presentations. Staff also conducted fifteen (15) employment trainings to State and County entities during FY 2007-2008.

Resolving State Reasonable Accommodation Requests



DCAB provided technical assistance to employers, with an emphasis on State and County government employers, in resolving complex reasonable accommodation requests of employees. Staff provided ten (10) consultations to various departments on topics that included accessible parking procedures, assistive animals, personal care attendants for an employee traveling on business, faculty housing modifications, evacuation of an employee who uses a wheelchair, application of flexible time, overlap of the Family Medical Leave Act and the ADA leave policies, and job interviewing accommodations for persons who are blind.

OTHER PROGRAM AREAS

A general goal of DCAB is to provide information to the community on programs, services, and activities affecting people with disabilities through various means:

Information and Referral



DCAB serves as a resource clearinghouse by providing information to the public (excluding the SPIN warm line calls and design fax inquiries) on programs, services, and laws affecting people with disabilities and is a key service to the community in providing direct help to individuals seeking to navigate the system. In FY 2007-2008, DCAB staff fielded 4,113 inquiries, an increase of over 41% from the previous year of 2,904 inquiries.

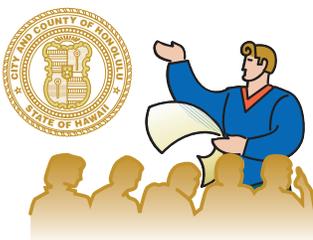
DCAB Web Site, Key to Resources Serving People with Disabilities, and Newsletter



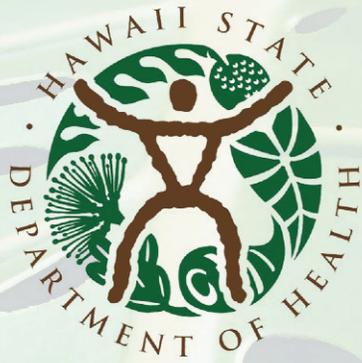
The growing use of the Internet to obtain information prompted DCAB to re-design its web site for increased usability with expanded sections on accessible design, ADA coordination, communication access, parking, community resources, emergency preparedness, parent information, statistics, visitor information, voting, and key federal and national web sites with disability-related information. A major update to the web site was DCAB's "Key to Resources," listing a full array of community services for people with disabilities and their families. The web site was also an increasing source of requests for information from the public (see Information and Referral above).

DCAB continued publication and printed and web site distribution of its quarterly newsletter, "Hailono Kina."

County Mayors' Committees



An objective of DCAB was to establish a Mayor's Committee on Persons with Disabilities within the City and County of Honolulu to complement their counterparts on each of the neighbor islands. This was achieved in April 2008. DCAB will work with this new Committee as it develops an advocacy and education role at the county level. DCAB continued to provide monthly updates to this new Committee as well as the Kauai Mayor's Advisory Committee for Equal Access, the Maui Commission on Persons with Disabilities, and the Big Island Mayor's Committee on People with Disabilities on DCAB and disability-related issues and to assist them in their advisory role to the County Mayors.



NON-DISCRIMINATION STATEMENT: We provide access to our activities without regard to race, color, national origin (including language), age, sex, religion, or disability. If you have a concern, write or call the Disability and Communication Access Board or the Department of Health Affirmative Action Officer at P.O. Box 3378, Honolulu, HI 96801-3378, or call 586-4616 (v/tty) within 180 days of a problem.

A large print version is available upon request.