



## *Commission on Persons with Disabilities*

### **Meeting Minutes**

Tuesday, March 10, 2009  
Hale Mahaolu Elima Community Room  
11 Mahaolu Place, Kahului

- I. **CALL TO ORDER** – Chair DeLima called the meeting to order at 1:30 p.m.
- II. **PRESENT:** Chair Norita DeLima; Vice Chair Andrew Valentine;  
Commissioners John Briley; Karen Hue Sing-Ledesma; Marguerite Rowland  
  
**EXCUSED:** Commissioners Charlotte Seales; Linda Liddell; Feliciano Sales  
  
**STAFF and EX-OFFICIO:** State Development Disabilities Council Program Specialist Mary Matsukawa; Deputy Corporation Counsel Kim Sloper; ADA Coordinator DJ Schwind; Parks and Recreation and Recreation Inclusion Specialist Tara Sabado; Commission Staff Person Jan Roberson  
  
**GUESTS:** Former Commission Chair and its Founder Charlotte Smith.
- III. **APPROVAL OF MINUTES:** February 17, 2009  
Commission Vice Chair Valentine **MOVED** to approve the minutes.  
Commissioner Rowland **SECONDED** the motion. **MOTION CARRIED**
- IV. **PUBLIC TESTIMONY** - none
- V. **NEW BUSINESS**
  - A. **Election of Officers**

Commissioner Ledesma nominated Commission Vice Chair Valentine to serve as Chair and Molokai Commissioner Charlotte Seales to serve as Vice Chair. No further nominations were forthcoming. Commissioner Briley **MOVED** to close the nominations. Commission Vice Chair **SECONDED**. **MOTION CARRIED**. New officers were duly elected as follows: Chair: Andrew Valentine, Jr.; Vice Chair Charlotte Seales. Incoming Chair Valentine took over running the meeting.
  - B. **Recognition for outgoing members**

Chair Valentine presented outgoing Commission Chair Norita DeLima with a lei & card from members. Commission Staff presented Ms. DeLima with a lei, a certificate of appreciation and congratulatory letter from the Honorable Mayor Charmaine Tavares. Cookies and juice were served.
  - C. **New Member Packets** – with no new members, no packets were distributed.

## VI. REPORTS

**A. ADA Coordinator** – Mr. Schwind acknowledged the excellent work being done by Inclusion Specialist Sabado with the support of Parks Director Tamara Horcajo.

See attached report – Attachment A

### **B. State Council Developmental Disabilities**

1. State Council on Developmental Disabilities will hold its **Day at the Capitol** on March 19. Sixteen people will be attending from Maui, with 300 people expected from around the state at the Capitol to advocate for persons with developmental disabilities.
2. **HB278 on high school bullying** was introduced by Maui Representatives Bertram and Keith-Agaran. Commissioner Briley authored a Maui News *Na Moku Ola* column on “How to Handle Bullies” which was printed on February 22, 2009 (Attachment A). ADA Coordinator asked Staff to share information on the Healthy Workplace Bill, which was introduced at the Hawaii State Legislature from 2004 through 2007, and addressed workplace bullying. The measure was supported by the Maui County Commission on the Status of Women and the Hawaii State Federation of Business and Professional Women and garnered the support of the Hawaii Government Employees Association and ILWU. Commissioner Briley requested materials on the issue. Staff will make available to the Commissioners a copy of the bill, a PowerPoint presentation and support documentation.
3. Developmental Disabilities Specialist is serving on the Maui group of Hawaii’s **Sexual Violence Primary Prevention Plan**. The group meets monthly and is working to include people with disabilities and the elderly in the plan.
4. DOE is revising its **Administrative Rules – Chapter 19** to include language for bullying and cyber-bullying. (go to [www.boe.k12.hi.us](http://www.boe.k12.hi.us)) There will be a public hearing at Baldwin HS Multi-Purpose Room on April 24, 2009. Mary Cochran will represent the BOE and Superintendent of Schools Pat Hamamoto will be present.
5. The Maui Developmental Disabilities Committee and the Community Children’s Council will host a **Transition from High School to the Community** event at the Cameron Center, May 13 from 4:30 – 7 p.m. The event is reaching out to Special Ed students and their families from Baldwin, Maui High, Lahainaluna and King Kekaulike. The goal is for attendees to be able to put a face on the agencies serving them, including Social Security, Legal Aid, etc.

## **C. Inclusion Specialist**

**1) First Wheel Chair Accessible Basketball** Clinic will be held today (March 10) from 4-6 p.m. at the Wailuku Gym. The clinics are scheduled for each Tuesday, with the goal of relocating to the War Memorial Gym to help with logistics of transporting nine sport chairs.

**2)** The Department of Parks and Recreation and Recreation sponsored an **Accessible Sports Clinic for Parks Staff** on March 9 at Well Park with Paralympian Beth Arnoult serving as the sports-chair trainer and two coaches present to teach the sport. Wells Park, although named for Smally Kaiwi who used a wheel chair, is not easily accessible, and staff had to wheel themselves a long distance from the parking area to the courts, and back again. Parks staff experienced the difficulties persons with disabilities face daily. Representatives were present from all parks districts except West Maui.

**3) Assistive Technology Camp** - Camp Cool was held on Maui on March. It is an interactive computer exploration free program for children with disabilities and their siblings/friends. Activities include website development, video work, digital still photography, computer based applications and some of the usual camp activities.

**D. Transportation** – Outgoing Commission Chair DeLima stated there are 160 passengers registered to rider the County’s paratransit system. Mary Matsukawa reported that paratransit applications are available online at the county’s website. By federal law, whenever a fixed route public transportation system begins, a new paratransit system serving the same route must be implemented as well. Commissioner Rowland stated that the progress on Maui in last five years was amazing. Commissioner Rowland **MOVED** to send a letter to Mayor Tavares to advise her of the tie down issues on paratransit buses. Commissioner Briley **SECONDED. MOTION CARRIED.**

**E. Molokai** – Deferred due to both Commissioners’ illnesses

**F. Volunteer Parking Enforcement Program** – Staff to invite DCAB Specialist Robert Nakama to attend an upcoming meeting of the CPD.

**G: Parks and Recreation** – Commissioner Ledesma stated she had not heard any complaints, and commended Inclusion Specialist Sabado and Parks Director Horcajo for sponsoring accessible trainings for Parks staff persons, which helps staff understand the barriers persons with disabilities confront on a daily basis and more easily empathize with these clients who may have frustration over lack of accessibility. The Inclusion Specialist received a complaint from a motorized wheel chair user who was erroneously informed that motorized vehicles were not allowed at the 4<sup>th</sup> Marine Division Park. The complainant and the HISA Coach

who had misinformed the motorized wheel chair user were found to set the record straight.

The Inclusion Specialist is looking into the Moby Mat to allow wheel chair access to the ocean. Challenge is that it needs to be rolled up each evening for storage and unrolled each morning for use. There is a plank that was buried under 5 feet of sand during a large south swell.

ADA Coordinator Schwind stated there is at least one accessible beach on each side of the island.

**VII. UNFINISHED BUSINESS**

**A. Meeting Schedule** – The Commission will meet as scheduled at 1:30 p.m., Tuesday, April 14 and defer discussion of its meeting schedule to that meeting. Commission Staff to poll contact each member for their scheduling availability and report back to Commission April 14.

**VIII. AGENDA SETTING**

Awareness Day Program Venue - Staff to reserve venue and bring previous Program DCAB PSAs – ADA Coordinator DJ Schwind to follow up Letter to Mayor reporting tie-down issues on paratransit bus – Staff to draft.

**IX. ANNOUNCEMENTS**

1) Commission Chair Valentine encouraged everyone to attend the County Council Budget Committee Hearings which commence March 23 in Paia, and will be held throughout the County.

2) Commissioner Rowland stated she will be unable to attend the April meeting.

**X. ADJOURNMENT** – Commission Chair Valentine adjourned meeting at 3 p.m.

The following is a status report, as of March 9, 2009, on the activities contributing toward progress on completing the improvements outlined in the Maui County Park and Recreation Department ADA Transition Plan Implementation Report (T.P.I.R.). Additionally, several projects, not listed in the T.P.I.R., are detailed at the end of this report. These were in response to user requests or initiated by other actions or agencies.

**Facilities included under Item A. (first year)** of the above referenced T.P.I.R. are: Kamaole I, Kamaole III, Launiupoko Park, Kanaha Beach Park, Hana Beach Park/Helen Hall, Lahaina Civic Center, Waiehu Golf Course, War Memorial Baseball Stadium, and War Memorial Football Stadium.

**Facilities included under Item B. (second year)** of the T.P.I.R. are: War Memorial Pool, War Memorial Gym, Lahaina Ball Fields, Lahaina Youth Center, Lahaina Aquatic Center, Kihei Community Center, Kihei Aquatic Center, Ukumehame Firing Range, and Hanakao'o Beach Park.

**Facilities included under Item C. (third year)** of the T.P.I.R. are: Mayor Hannibal Tavares Community Center, Wailuku Community Center, Kahului Community Center, Kenolio Recreation Complex, and Mayor Eddie Tam Memorial Center.

**Facilities included under Item D. (fourth year)** of the T.P.I.R. are: Hana Community Complex, Lanai Little League/Gym/Tennis Courts, Wells Park, Ho'okipa Park, Lanai Community Center, Cooke Memorial Pool, and Mitchell Pauole Center.

Improvements, outlined at facilities listed under Item A. above, were divided into five (5) projects as follows:

- Parks Facilities Accessibility Improvements At Hana Beach Park & Helene Hall
- Park Facilities Accessibility Improvements Part "A" (War Memorial Football Stadium & Baseball Stadium and Kanaha Beach Park)
- Park Facilities Accessibility Improvements Part "B" (Lahaina Civic Center, Launiupoko Park, W.M. Football Stadium)
- Park Facilities Accessibility Improvements Part "C" (Lahaina Civic Center, Kamalole Park I & III)
- Park Facilities Accessibility Improvements Part "D" (Waiehu G. C.)

Work on the Parks Facilities Accessibility Improvements at Hana Beach Park & Helene Hall have been completed. Work on the Park Facilities Accessibility Improvements Part "A" project have been substantially completed.

03/09/2009

Update of Skauff v. County of Maui

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Attachment A  
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Work on the Park Facilities Accessibility Improvements Part "B" project at the War Memorial Football Stadium is substantially complete and work at the Lahaina Civic Center site is ongoing. Construction for the improvements at Launiupoko Beach Park, as part of the Park Facilities Accessibility Improvements Part "B" project is tentatively being scheduled for April of this year. Park Facilities Accessibility Improvements Part "C" project is substantially complete. Work on the Park Facilities Accessibility Improvements Part "D" project commenced March 2, 2009 and is scheduled to be completed in May 2009.

Design for improvements, at the facilities shown under Item B. above, has been grouped into the two (2) following projects: **Accessibility Improvements At Various Park Facilities Phase III A** - (*Coach Soichi Sakamoto Pool, Lahaina Aquatic Center, Lahaina Recreation Center Ballfield Restroom*), and **Accessibility Improvements At Various Park Facilities Phase III C** - (*War Memorial Complex, Lahaina Aquatic Center, Lahaina Youth Center, Kihei Aquatic Center, Ukumehame Firing Range, Hanakao'o Beach Park*). Some incidental items at these facilities will be completed in-house by the Department's Construction Maintenance personnel.

Construction on the **Accessibility Improvements At Various Park Facilities Phase III C** project is substantially complete. Design for the **Accessibility Improvements At Various Park Facilities Phase III A** project is nearing completion.

Design is also ongoing for improvements outlined in the transition plan, as well as other improvements, at the Lanai Little League/Gym/Tennis Courts. Construction of these improvements is anticipated to follow completion of design and permitting. Work at the Lanai Community Center has been contracted. Construction of these improvements will follow acquisition of permits.

A new fully ADA compliant restroom building with an accessible route from South Kihei Road was completed at Kamaole Park III as was an accessible set of swings with poured in place fall cushion surfacing.

A van accessible parking stall and access route to the playground at Keokea Park was also constructed in response to a user request.

Construction for improvements at the Kahului Community Center will follow acquisition of permits.

Construction for improvements at the Cooke Memorial Pool, on Molokai, will follow acquisition of permits.

## **Maui News February 22, 2009 - Na Moku Ola - How to handle bullies - by JOHN M BRILEY Jr, MD**

Bullies are aggressive for psychological reasons or other sad excuses that may include family problems, depression or a need for attention, possibly because they think they're unpopular. Still, bullies want their targets to feel angry, hurt, sad and, especially, embarrassed. "Misery loves company."

Following is some advice parents might give their children about coping with bullies, depending on circumstances:

- Make certain that the bully really is picking on you. If they follow you and hang around clearly looking for trouble, then you know they're picking on you.
- Try not to make yourself a bully-target in the first place. Don't act fearful or mopey.
- Avoid the bully totally, and eventually he or she may get bored and find another victim. Unfortunately, this tactic doesn't always work.
- Make sure you're never alone. When you see the bully is near, start talking to a friend; look like you're fully engaged in the conversation. Enter a busy bathroom or go in with a group of kids. But beware; many bullies like to trap their victim alone in the bathroom.
- Don't back down, stand your ground. Calmly look the bully straight in the eye to show you're confident and see that person as no threat. But don't get into a "like beef" type of stare-down so common with insecure people; that could start a fight. Likewise, understand self-defense while knowing what your limits are. Self-defense is protection from harm and not for attacking.
- Never retaliate. A bully will try to use such retaliation against you and make you look like the bad seed. And, you could end up with a bloody nose! Also, don't make rude comments, joke or start rumors about a bully because then you become a sort of bully.
- Don't let them see that you're hurt. That's just what they want.
- Try to be kind, and smile at them. As a 1st-grader my daughter was bullied until one day she got tired of avoiding, stopped and turned to the boy. She asked why he was being mean to her, and said she liked him and didn't understand. He sat down and told her his problems, and for the rest of the year was her protector.
- If the bully is causing you severe harm, physical or otherwise, tell a trusted adult about the problem immediately! Don't be afraid the bully will say you're a crybaby or tattletale. No one should ever be made to feel humiliated or scared. You aren't tattling but, hopefully getting grown-up help for the bully. When bullies succeed continually with their aggressive behavior, they could end up criminals, perhaps stealing or even killing.
- Also, a bully can be somebody purposely touching you without your permission or the permission of an adult who has authority over you. Such touching is wrong, and even if the toucher is a child. This incident should be reported to a trusted adult.
- If your parent or other adult is the bully, it is harder to report because that adult has a certain power over you. In the case of illegal touching, such as physical beating or sexual contact, again report it to an adult you trust.
- Do not give in to a bully's physical or psychological pressure. Reporting to trusted grown-ups allows them to build a wall of support around you.
- If you feel you can challenge the bully, do so coolly, calmly and by embarrassing rather than insulting the bully. One way is to challenge the bully to challenge him to an activity you know you can win, like a race or a favorite game.
- Another way to challenge the bully is to respond to insults with snappy, not insulting, retorts. Ask mom and dad for examples of such clever responses. The bully probably will leave you alone after that.

My dad had recommended challenging or retaliating against a bully. All that got me was beaten up. However, I must admit I was never the bully's target again. I certainly wouldn't recommend challenging or retaliating if the bully is, in your eyes or the eyes of adults, dangerous. And if you succeed in winning, be careful you yourself don't become a bully.

*Dr. John M. Briley Jr. is a Wailuku pediatrician and a board member of Imua Family Services. Na Moku Ola means The Islands of Life, with special focus on Maui, Molokai, Lanai and Kahoolawe and the ideals of health and vigor we pursue. Na Moku Ola is printed the second or third Sunday of each month.*

**HB278.DOC Report Title:**  
**DOE; School Bullying; Model Anti-Bullying Programs; Appropriation**

**Description:**  
**Requires the department of education to adopt rules to prohibit school bullying and cyberbullying. Makes appropriation.**

**HOUSE OF REPRESENTATIVES H.B. NO.278**  
**TWENTY-FIFTH LEGISLATURE, 2009**  
**STATE OF HAWAII**

**A BILL FOR AN ACT**

**RELATING TO EDUCATION.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The legislature finds that there is a growing body of research on the prevalence of school bullying, the likelihood of school bullies to develop antisocial behavior, and the effects of bullying on its victims and on school climates. A 2002 United States Secret Service report found bullying played a major role in several school shootings on the mainland.

In Hawaii, three newspaper articles in The Honolulu Advertiser, dated February 5, 2006, June 28, 2006, and September 26, 2006, highlighted the problem of bullying in Hawaii's public schools. The legislature finds that more attention and awareness needs to be focused within the schools on bullying.

The legislature further finds that the widespread use of technology has given rise to cyberbullying, which is used by students with greater frequency in lieu of traditional schoolyard bullying.

The purpose of this Act is to require the department of education to adopt rules to reduce and prevent school bullying and cyberbullying.

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Bullying; rules. The department shall adopt rules in accordance with chapter 91 regarding policies and procedures to reduce and prevent school bullying and cyberbullying. At a minimum, the rules shall include:

(1) A prohibition against students bullying other students on school grounds, on school property, on school buses, at school bus stops, and at school sponsored events and activities;

(2) A prohibition against students cyberbullying other students;

(3) A procedure for students to confidentially report to school officials incidents of bullying or cyberbullying;

(4) A procedure for parents and guardians of students to submit written reports to school officials of suspected incidents of bullying or cyberbullying;

(5) A requirement that school district employees report suspected incidents of bullying or cyberbullying to the appropriate school official;

(6) A formal process for the documentation of reported incidents of bullying or cyberbullying, except that no documentation shall be maintained unless the bullying or cyberbullying has been proven;

**Attachment D**  
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(7) A formal process for the investigation by the appropriate school officials of suspected incidents of bullying or cyberbullying;

(8) A formal process for reporting incidents of bullying and cyberbullying to the county police department;

(9) Disciplinary procedures, including but not limited to suspension from school for up to five days, for students who have admitted to committing or have been found to have committed bullying or cyberbullying; and

(10) A procedure that sets forth consequences for submitting false reports of incidents of bullying or cyberbullying."

SECTION 3. Section 302A-101, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"Cyberbullying" means to communicate electronically, including but not limited to, communications transmitted through a computer system, blog, cellular telephone, facsimile, text message, online community website such as MySpace, computer network, or similar telecommunication mechanism, and with the electronic communication not having a legitimate purpose and including elements of harassment, intimidation, taunting, and ridicule.

"School bullying" means aggressive behavior or intentional harm directed at another student and committed by an individual student or group of students repeatedly over time. The act of bullying may take various forms, including but not limited to physical abuse, harassment, intimidation, taunting, and ridicule."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2009-2010 and the sum of \$ or so much thereof as may be necessary for fiscal year 2010-2011 for the implementation of model anti-bullying programs in schools.

SECTION 5. The sums appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 6. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2009.

INTRODUCED BY: \_\_\_\_\_



## COMMISSION ON PERSONS WITH DISABILITIES

Department of Housing and Human Concerns  
2200 Main Street, Suite 546, Wailuku, HI 96793  
(808) 270-7806

April 14, 2009

### MAYOR

Charmaine Tavares

Dear Mayor Tavares

### DIRECTOR of HOUSING & HUMAN CONCERNS

Lori Tsuhako

### DEPUTY DIRECTOR of HOUSING & HUMAN CONCERNS

Jo-Ann Ridao

### COMMISSIONERS

Andrew Valentine, Chair  
Charlotte Seales,  
Vice Chair  
John M. Briley, Jr., MD  
Karen Hue Sing-Ledesma  
Linda Liddell  
Marguerite Rowland  
Feliciana Sales

It is your Commission on Persons with Disabilities duty to inform you of a breach in federal laws pertaining to the paratransit system on Maui.

On March 10, 2009, two wheel chair users were transported to the Commission on Persons with Disabilities meeting. The bus could accommodate up to three wheel chair passengers, yet there were tie down straps for just one.

Often we notice that the straps are missing, and just as often we find the buses equipped with the wrong straps for that particular bus.

Your Commission on Persons with Disabilities respectfully requests your office to address this breach of federal law and correct this violation that affects the safety of paratransit clients.

Mahalo nui loa,

Andrew A. Valentine, Jr.  
Commission Chair

CC:

Director of Housing & Human Concerns Lori Tsuhako  
ADA Coordinator DJ Schwind

### DEPUTY CORPORATION COUNSEL

Kimberly Sloper

### ADA COORDINATOR

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