

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
EDUCATION AND OUTREACH COMMITTEE  
MEETING MINUTES**

**April 18, 2014**

**1. CALL TO ORDER**

Chair Betty Wilson welcomed everyone and called the meeting of the Education and Outreach Committee of the California Commission on Disability Access (CCDA or Commission) to order at 10:00 a.m. at the Los Angeles Division of the State Architect Regional Office, 700 North Alameda Street, Suite 5-500, Los Angeles, California 90012, the Oakland Division of the State Architect Regional Office, 1515 Clay Street, Suite 1201, Oakland, California 94612, and the Sacramento Division of the State Architect Headquarters, 1102 Q Street, Suite 5200, Sacramento, California 95811.

The off-site meeting location for teleconference was the Independent Living Center of Kern County, 5251 Office Park Drive, #200, Bakersfield, California 93309.

Chair Wilson reviewed the meeting protocols.

**ROLL CALL**

*Committee Members Present:* Arnie Lerner  
Richard Ray  
Stephen Simon  
Jimmie Soto (Teleconference)

*Commissioners Present:* Betty Wilson, Chair  
Chris Downey  
Michael Paravagna

*Committee Members Absent:* None

*Commissioners Absent:* Lillibeth Navarro

*Staff Present:* Stephan Castellanos, Executive Director  
Angela Jemmott, Program Analyst  
Steven Funderburk, Office Technician

*Also Present:* Suzanne Goldman  
Jake Wachtel

Staff Member Jemmott called the roll and confirmed the presence of a quorum.

**APPROVAL OF MEETING MINUTES (FEBRUARY 5, 2014) – ACTION**

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**MOTION:** Commissioner Paravagna moved to approve the February 5, 2014, California Commission on Disability Access Education and Outreach Committee Meeting Minutes as presented. Committee Member Simon seconded. Motion carried unanimously.

**2. INTRODUCTION OF NEWLY APPOINTED PUBLIC MEMBERS AND COMMISSIONERS OF THE EDUCATION AND OUTREACH COMMITTEE**

Chair Wilson asked the newly-appointed Committee Members of the Education and Outreach Committee to introduce themselves.

**3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA**

There was no public comment.

**4. REVIEW OF THE CHARGE AND PURPOSE OF THE EDUCATION AND OUTREACH COMMITTEE – REVIEW OF THE SB 1186 SECTION 8299.06 – STAFF PRESENTATION**

Executive Director Castellanos stated the role of the Commission changed in 2012, when the Legislature articulated that “a priority of the Commission shall be the development and dissemination of educational materials and information to promote and facilitate disability access compliance.” The Commission’s role is to bridge the lack in communication between the business community and persons with disabilities in order to create a more accessible California. The Commission is employing a number of strategies, such as the data collection project, conducting research, gathering information, and putting together education modules, to develop an education program that can meet that goal.

Executive Director Castellanos stated the Members of the Education and Outreach Committee will provide the guidance and direction for those strategies to begin to achieve greater accessibility and reduce lawsuits in California at the same time, and create a common dialogue between persons with disabilities, the business community, and government to effect policy regulation and create more opportunity for success for everyone involved.

**5. RESEARCH AND DATA COLLECTION PRESENTATION TO THE EDUCATION AND OUTREACH COMMITTEE – STAFF PRESENTATION**

Executive Director Castellanos stated Senate Bill (SB) 1186 gave the Commission the additional task of collecting the demand letters and court filings related to access violations in California. Staff began collecting data in September 2012. To date, staff has gathered nearly 3,000 separate claims and demand letters.

Staff identified the violations and then posted a number of components on the website including zip code and the Top Ten violations. Every six months, staff conducts an evaluation to determine the most frequently-observed violations that have come out of the data. Staff retains more information than they collect from the filings, such as the plaintiffs, plaintiff’s attorneys, defendants, and types of

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businesses where violations are occurring in order to determine a baseline. The top five have to do with parking and the path of travel, and the other five have to do with restrooms, counter heights, access aisles, and entrance doors.

There was no provision in the law for the CCDA to do anything other than collect the data, organize it, and put it online, but the Legislature and other industry groups have an interest in what can be gleaned from this data. There is also a need to develop a process for collecting survey data, for example, or a list of questions that might involve moving into other communities or areas that have an interest in this to determine what might be happening in those areas.

Staff is looking to the this Committee to work with the consultant to develop a resource rubric that can help better inform the Legislature with regard to policy, provide more valuable input to the regulatory process, and help deal with organizations that are more targeted. A different kind of approach based on solid evidence could be useful to them in how they can improve in the area of access.

The Commission recently expanded the contract with the strategic planning consultant to work with the Education and Outreach Committee in developing what this rubric for research might be. Executive Director Castellanos encouraged the Committee to begin considering the kinds of questions they have. There are many myths and misunderstandings related to lawsuits and violations that have affected the development of policy. The Commission is trying to focus this discussion upon the reality of the environment to better improve accessibility.

Chair Wilson asked for an update on the outreach to universities and other agencies that might assist the Commission in collecting the data.

Executive Director Castellanos stated the consultant is from California State University, Sacramento, and staff plans to outreach to other high-end institutions and institutions in other states this year. A good part of the partnership efforts have to do with industry-related groups, for example, the California Restaurant Association, which has expressed interest in the findings of the data collection and have asked to provide input when crafting the questions for the rubric. Staff continues to reach out to professional and business organizations, such as the architects' and builders' associations, to encourage their involvement.

The consultant will assist in this outreach and help to establish the rubric for research and analysis. This Committee will guide this outreach effort, and will determine how to involve these organizations and the questions to include that are useful and important to conduct the analysis effort, such as the effectiveness of SB 1186 and continuing education. Executive Director Castellanos asked Committee Members to suggest other resources to include in the outreach to expand this effort.

Executive Director Castellanos expressed the need to have the outreach effort well under way before June 30<sup>th</sup>, the end of the fiscal year, so that when the conclusions

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on the strategic planning effort are reached later in summer, the research plan and the strategic plan will be in place to guide future efforts of the Commission.

Commissioner Paravagna stated research is a nice foundation for the Commission to build upon. Part of that foundation will be determined by the data this Committee deems important and the collaborative relationships it develops statewide. The logical next step is the creation of education or training modules to make available to businesses and organizations seeking continuing education tying it back to what is really happening in the field, which would give the Commission validity.

Executive Director Castellanos agreed, and added that SB 1186 mandates the Commission to train to the Top Ten lawsuit violations as a priority. One challenge is that California has regional differences, and the Top Ten violations are published for all 36 million Californians. He asked if the Commission should develop smaller training modules that might be industry-related or related to specific regions in the state. The in-depth analysis will be valuable because, with limited resources, it is important to ensure that the modules the Commission creates will have the greatest impact on improving access. This Committee will help to conclude how to best invest funds to develop these modules.

Committee Member Lerner suggested that expanding the Top Ten list to a Top Twenty list may capture more of the issues that small businesses in urban areas face. Executive Director Castellanos stated there are about fifty items that staff collects data on; they have the ability to rank those items from one to fifty. He stated staff can begin that ranking, with this Committee's approval, and can provide regular reports if this information is found useful.

Committee Member Simon asked if there are existing trainings for businesses, government, design entities, or the public, and if staff should be compiling, utilizing, replicating, or modifying available materials. Executive Director Castellanos stated staff does not have a complete picture of available trainings from California, other states, the federal government, or other professional organizations. He stated staff will collect a list of available trainings and determine how they can be used.

Committee Member Simon stated the Restaurant Accessibility Field Guide, developed by Richard Skaff, has all of the components of the Top Ten violations. He suggested having a link between the restaurant guide and the Top Ten in terms of explaining to people what the code requires.

Committee Member Soto stated there are twenty-eight independent living centers in California; many receive mini-grants for Americans with Disabilities (ADA)-type trainings. He suggested that the centers give trainings to the community and, in return, collect a small fee from the mini-grant.

Committee Member Lerner stated the Access Board has a free webinar once a month from archived material, and he suggested tying people into those.

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Committee Member Ray stated there are other community-based organizations that provide disability services. He recommended contacting agencies that also provide communication access services.

Executive Director Castellanos stated, even though there are not many communication issues in lawsuits, there is a growing trend for how business is done in California and, with government providing services online, it is wise to get ahead of the problem to provide better support for business and government in this area.

Commissioner Paravagna asked what it would take to put a training program in place in the independent living centers around the state. Committee Member Soto stated not all twenty-eight centers obtain the \$4,000 mini-grant, but at a minimum, there can be two to three trainings from a center that has a grant. As a member of the State Independent Living Council Board and the California Foundation for Independent Living Centers Board, he encouraged further discussion on this.

Commissioner Paravagna suggested that press coverage would create awareness in the communities, get the message out about the Top Ten issues, and put the Commission on the map around the state.

Commissioner Downey suggested focusing on reaching out to organizations, such as the restaurant associations or the chambers of commerce, because that is where the issues are. These organizations can then link people to the compliance training modules. He cautioned against getting caught up in a mechanism that does not necessarily result in willing participants.

Committee Member Simon agreed that partnering on the trainings with the chambers of commerce is important. The history of this bill is rooted in ensuring businesses understand where they can be in violation and protecting them from litigation. They have an incentive to participate as long as the Commission sends a consistent message.

Committee Member Lerner agreed and also suggested reaching out to the members of Congress for assistance.

Public Comment

Jake Wachtel suggested holding forums across the state so that stakeholders can come together to explain the issues that affect them and have an open dialogue about how to make things better.

Suzanne Goldman stated she and Mr. Wachtel have noted that groups have their own agendas or what they feel would be helpful, but there is overlap between groups. Until everyone gets together, people will complain that nothing is being done and people will not hear what the other groups are saying. The forums will provide an opportunity for stakeholders to have a healthy dialogue.

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Mr. Wachtel stated the common thread between groups is the interest in doing something that works. It is important for groups to hear from each other, where there is good communication to foster positive progress toward common goals.

Executive Director Castellanos stated Mr. Wachtel's and Ms. Goldman's suggestion has been discussed as part of the strategic planning effort. The Commission is made up of eleven people, six persons with disabilities and five from business. The intention was to create a new dialogue to bring people together. The Commission does that through a website that allows social interaction and sharing of ideas. Executive Director Castellanos stated he sees the role of the Commission as that of a convener. The sharing of thoughts and ideas to create solutions between the business community and persons with disabilities and expanding that dialogue statewide to involve all stakeholders is a great suggestion. It is a large task for a smaller organization, and he stated he hoped to discuss it further with Mr. Wachtel and Ms. Goldman offline.

**Action Items**

- Staff is to collect a list of trainings and determine how they can be used.

**6. SUGGESTED EDUCATIONAL MODULES FOR EDUCATION AND OUTREACH COMMITTEE TO CONSIDER – (ACTION ITEMS) – DISCUSSION**

- a. Develop Training Modules From Data Collection of the Top Ten Alleged ADA Violations**
- b. Increase Certified Access Specialist (CAsp) Public Awareness Services**
- c. Increase Knowledge and Understanding of Applications of the Law for Businesses and the Public**
- d. Develop Training Module Topics Resulting From Strategic Planning Surveys Data**

Chair Wilson gave an overview of suggested education modules and asked Committee Members to consider which module is most important. The Committee's recommendation will be brought before the full Commission to begin work on.

Executive Director Castellanos added that staff is working with the Certified Access Specialist Institute (CASI) to develop a speakers bureau to pull together a response and start offering some of these services as quickly as possible.

Commissioner Paravagna suggested focusing the training modules based on Item 6(a), develop training modules from data collection of the Top Ten alleged ADA violations. Committee Member Lerner agreed.

Committee Member Simon also agreed with focusing the training modules based on Item 6(a), but recommended incorporating Item (d), develop training module topics resulting from strategic planning surveys data, as it would expand the range of training modules.

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Commissioner Paravagna recommended asking the executive director to continue exploring the speakers bureau relative to CASp education.

**MOTION:** A motion was made to set as the first priority, Item 6(a), develop training modules from data collection of the Top Ten alleged ADA violations, combined with Item 6(d), develop training module topics resulting from strategic planning surveys data; to ask the executive director to continue to develop the speakers bureau under the Certified Access Specialist Institute; and to bring these recommendations to the full Commission for approval. Committee Member Lerner seconded. Motion carried unanimously.

**Action Items**

- No action items.

**7. EDUCATIONAL AND OUTREACH STRATEGIES – (ACTION ITEMS) –  
DISCUSSION AND DECISION ON MOST FEASIBLE PROJECT**

- a. **Utilizing Restaurant Guide - Authored by Richard Skaff**
- b. **Website - Education and Outreach Contributions**
- c. **Publications**
- d. **Speakers Bureau**
- e. **Talking Points (Use of Michael Paravagna's Outline of Talking Points)**

Chair Wilson asked Committee Members to provide input on the strategies that will assist in the production of the priority education modules.

Committee Member Lerner stated the Restaurant Accessibility Field Guide covers all of the issues in the Top Ten list. He recommended using the guide for more than just restaurants.

Committee Member Simon stated Richard Skaff mentioned that the issue with his restaurant guide was the dollars and research time it would take to keep it up to date. Committee Member Simon asked if the Commission would assume that responsibility.

Executive Director Castellanos answered in the affirmative. He stated the Division of the State Architect (DSA) may have staff time available to do it on a periodic basis. It would not be costly on a three-year basis to update it for changes that may occur in the code. A bigger issue is the distribution strategy, putting it in print versus posting on the website, encouraging other organizations to include it on their websites, and determining how to draw people to the events or the website. Staff will research printing costs to give an idea of what to expect.

The consultant will require approximately \$10,000 to \$15,000 every three years to do a quick review and provide updates based on any code changes to keep it current. Mr. Skaff is concerned about ensuring the restaurant guide remains a living document and reflects the correct requirements. Executive Director Castellanos

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stated he is grateful that Mr. Skaff offered the restaurant guide to the Commission, and, in exchange, the Commission has agreed to do that.

Chair Wilson stated the use of the media, both electronic and print, are important. She asked for suggestions for strategies on how to develop that. She asked Commissioner Paravagna to review the talking points that the Commission can use as a guide when out in the community or at other meetings.

Commissioner Paravagna stated the intent of the draft talking points was for Committee Members to begin to think about the Commission's message, how to consistently deliver it, and how to increase the visibility of the Commission in the state. He encouraged comments and suggestions to build upon these draft talking points, both in terms of content and how the Commission might use them.

Committee Member Simon asked if the Commission has the capacity to do all five of the suggestions. Executive Director Castellanos stated staff is doing all of these but requires additional input from the Committee.

Committee Member Ray asked if the website, Item 7(b), is to develop information to provide to the public based on the restaurant guide, Item 7(a).

Executive Director Castellanos stated this agenda item is more global than just adding educational modules. It was to increase organization and useful information. He asked for suggestions on how to direct traffic to the website, how to make it more effective, and how to use it more strategically. The website can be one of the most important strategic elements the Commission has. Staff is looking to this Committee to help ensure the website is a vital, important, and useful tool.

Executive Director Castellanos stated publications are costly, difficult to distribute, and generally out of date the day they are published. He asked Committee Members to comment on the effectiveness of publications as a contributing component of an overall effort. Staff would like input from this Committee about strategy and where to place the greatest emphasis.

Chair Wilson asked for suggestions for developing a statewide conference to distribute information.

Committee Member Simon suggested trainings that are business-centered with the chambers of commerce on as large a scale as is reasonable to convey the amount of information the Committee recommends, and to ensure the Committee is hearing from the business community and other stakeholders about their needs. He cautioned against doing an all-day conference, as it will be hard for people to commit to. He recommended a two-hour version that is very hands-on and practical. He stated his organization and the mayor's business team would gladly partner to do trainings on a large scale in Los Angeles.

Executive Director Castellanos stated he would like to talk more with Committee Member Simon about this offline.

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Chair Wilson asked for suggestions to get that information out in Northern California, too.

Commissioner Paravagna suggested a model, which has been done through the Department of Rehabilitation (DOR), of working in tandem with Southern California in developing the program and training session, and then finding partners in Northern California to look at the feasibility of partnering with people to host and publicize an event, using the same content on both sides of the state. This DOR model has been successful if there are enough partners, as it is not a financial drain of any magnitude on any one of them.

**MOTION:** Committee Member Simon moved to convert the Restaurant Accessibility Field Guide, developed by Richard Skaff, to an overall guide, develop strategies for how it will be utilized, and support its maintenance; develop additional education modules for the website and stronger guidance on the utility of the website as a component of an overall strategy; continue discussion on publishing educational publications; develop a speakers bureau; promote Commissioner Paravagna's outline of talking points so the Commission will have a unified voice that access is valuable and beneficial to all citizens; to partner with Los Angeles on an event that will be used as a basis for expanding to other similar events throughout the state; and to bring these recommendations to the full Commission for approval. Commissioner Paravagna seconded. Motion carried unanimously.

**Action Items**

- Staff is to research printing costs.

**8. COLLABORATION AND FUNDING (PRIVATE AND PUBLIC) – DISCUSSION ACCESSING CURRENT FUNDING AND OTHER FUNDING OPPORTUNITIES (I.E., GRANTS, PARTNERSHIPS, TAX DEDUCTIBLE PRIVATE AND PUBLIC CONTRIBUTIONS)**

Chair Wilson stated procuring funding from private industry partners, grants, and tax-deductible contributions is another important part of the outreach strategy.

Executive Director Castellanos stated a number of the key educational materials on the website come from the DOR, and the DSA will be producing educational materials based on the funding that comes in. This Committee will be critical to advising those activities. The Commission has the ability in law to solicit other sources of revenue.

Committee Member Simon asked if there was guidance on the Commission's ability to raise funds. Executive Director Castellanos stated the guidance directs that the Commission can seek foundation- and government-type support and individual 501(c)(3) and 501(c)(4) organizations. Funding is one part of it, but collaboration, joining forces, and sharing resources are also critical components. The only way to

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conduct a massive outreach program is to create collaborations and partnerships to share resources. The Commission can accomplish more if more people are involved.

Committee Member Simon asked if the Commission also has the ability to generate funds to incentivize or subsidize businesses to participate and remove barriers. Executive Director Castellanos stated the Commission can only inform businesses of their responsibilities and encourage compliance. However, that issue has come up in conversations with legislators. Many of the businesses that are sued are small, where access to capital is difficult. The San Francisco mayor's office concluded the same thing. There is interest in doing something more, either in tax policy or with the use of direct grants or loans to increase compliance. This Committee can help determine if that is something to recommend as a useful tool to accompany the education program.

Committee Member Lerner stated there are tax incentives already on the books for paying for surveys. Executive Director Castellanos stated there are some federal and state tax incentives, but the state does not have anything similar to the federal IRS program on ADA upgrades in terms of a tax credit. Staff is gathering information about whether or not the state should try to match the federal tax plan. One of the roles of the Commission is to advise the Legislature on matters of policy that relate to compliance. Compliance is perceived as being voluntary; staff is collecting data on what other states are doing to encourage compliance. The Commission also needs to supply more information about what is currently available in tax law in California. He asked anyone with more information about the issues in California tax law to share it so it can be put on the website.

Committee Member Simon stated his organization proposed the support of standing tax incentives for architectural work to the city government. It did not go anywhere and will not be in the city ledger again this year. He was not aware that this Commission has the power to make those kinds of recommendations at the state level. He suggested talking about this offline.

Executive Director Castellanos stated it would be important to have the support of Los Angeles. There is a case to be made that these kinds of incentives can be useful in encouraging compliance.

Committee Member Simon asked if this Committee recommended that the full Commission take this up. Executive Director Castellanos stated it has. It would be good to take this discussion of incentives as a component of an outreach program to the Commission.

Committee Member Lerner stated there are also low-interest loans available to do this work. Executive Director Castellanos stated he has been unable to find the sources of low-interest loans and asked Committee Member Lerner to share this information with him.

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Commissioner Downey stated there is a program in San Francisco where the hotel tax pays for housing for the homeless; new product is coming online now as a function of that. That is another model for how business action in one place can fuel improvements elsewhere.

Committee Member Soto asked how to prevent this from happening in the first place. Training and incentives should help move accessibility issues forward, but new businesses should be accessible before they open and require little to no training.

Executive Director Castellanos stated there is sufficient evidence that this is an area of concern. It is a sensitive subject. Whether professionals are better educated through licensing, continuing education, or another means relies on solid evidence and is a good question for this Committee to ask within its research program.

Commissioner Downey stated a large component of this is enforcement, which falls on the inspectors. They are not responsible for it being accessible, but they are the gatekeepers of providing a certificate of occupancy. Committee Member Soto stated this is a good opportunity to open up dialogue in order to find any underlying issues.

Commissioner Downey stated professionals will do it if they are held accountable. They do not need any more training. There needs to be an enforcement mechanism for the inspectors to make sure it is being done.

Executive Director Castellanos stated the Committee must first do more analysis and research. SB 1186 sought to correct some of this issue by requiring CASps in building departments. The questions to ask now are how this is working and what the improvements are.

**Action Items**

- **No action items.**

**9. FUTURE AGENDA ITEMS**

Commissioner Paravagna suggested making building officials accountable for the properties that go online as a future agenda item that may be productive for planning research and data gathering and identifying available actions toward improving the situation at that end.

**10. ADJOURN**

**MOTION:** Committee Member Soto moved to adjourn the April 18, 2014, California Commission on Disability Access Education and Outreach Committee meeting. Committee Member Lerner seconded. Motion carried unanimously.

Chair Wilson adjourned the meeting at 11:59 a.m.