

Fact Sheet SB 1406

Author: Mendoza, Tony

Bill: SB 1406, Construction Related Accessibility at Public Education Facilities

Summary: SB 1406 provides for data collection on the number and result of disability access lawsuits filed against community colleges and K-12 school districts in California. Tracking these lawsuits will help public entities understand the magnitude of this issue and develop appropriate solutions to address access violations.

Background: In recent years, there has been an increase in the number of lawsuits against community colleges citing construction-related accessibility violations. These types of lawsuits can result in facility modifications and upgrades that are not in alignment with existing facilities transition plans, ignore the availability of funding for repairs, and instead put a strain on a district's general fund, thereby affecting programs and services offered to students. In addition to the cost associated with the repairs, community colleges have incurred significant costs from the legal fees associated with these lawsuits.

Currently, the State does not collect information regarding these lawsuits, so it is difficult to discern if there are any patterns to these lawsuits, or the facilities in question. Since the repairs and legal fees are ultimately borne by the educational institution, which receives the bulk of its funding from the State, the State has an interest in collecting data surrounding these lawsuits. SB 1406 seeks to accurately track the number of lawsuits that impact the California Community Colleges and K-12 school districts to better understand the problem, and the outcome of the lawsuits.

Current Law: Current law requires reporting of certain information regarding disability access lawsuits against private businesses; however, similar requirements do not exist for lawsuits filed against community colleges and K-12 school districts.

Existing law requires an attorney who serves a complaint containing a claim of a violation of any construction-related accessibility standard, with respect to a place of public accommodation provided by a business, to send a copy of the complaint to the California Commission on Disability Access within 5 business days of sending or serving the complaint. Additionally, the attorney must notify the Commission of judgment, settlement, or dismissal of the claim or claims alleged in the complaint and other specified information within 5 business days of the judgment, settlement, or dismissal.

This Bill:

- Requires an attorney who serves a complaint alleging a construction-related accessibility claim against a public entity, to send a copy of the complaint to the California Commission on Disability Access.
- The attorney would also be required to submit the notification of judgment, settlement, or dismissal to the Commission.

Status: February 19th – Introduced

Support:

Rancho Santiago Community College District (Sponsor) , Orange County Community Colleges Legislative Task Force

Opposition: None on file

For More Information:

Brittany Petitt
Office of Senator Tony Mendoza
(916) 651-4032

Sponsor Contact:

Casey Elliott, State Capitol Director
Townsend Public Affairs
CElliott@TownsendPA.com
Raul Rodriguez, Chancellor
Rancho Santiago Community College District
Rodriguez_Raul@rsccd.com