

CALIFORNIA COMMISSION ON DISABILITY ACCESS EDUCATION AND OUTREACH COMMITTEE

Teleconference Meeting Minutes
May 17, 2023

1. Call to Order

Chair Souraya Sue ElHessen welcomed everyone and called the meeting of the Education and Outreach (E&O) Committee of the California Commission on Disability Access (CCDA) to order at 1:30 p.m. The meeting was on Zoom, via teleconference, and held at the CCDA Headquarters, 400 R Street, Suite 312, Sacramento, CA 95811.

Staff Member Strother reviewed the meeting protocols.

Roll Call

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

Commissioners Present:

Souraya Sue ElHessen, Chair*
Ben Conway*
Ashley Leon-Vazquez*
Hector Ramirez

Committee Members Present:

Zeenat Hassan*
Arnie Lerner*

Committee Members Absent:

Stephen Simon

*Participated remotely.

Also Present:

No members of the public addressed the Committee.

Staff Present:

April Dawson, Executive Director
Stephanie Groce, Data and Research Analyst
Phil McPhaul, Operations Manager
Abigail Ridge, Administrative and Legislative Analyst
Presley Strother, Marketing and Outreach Analyst

2. Approval of Meeting Minutes (February 22, 2023) – Action

MOTION: Committee Member Lerner moved to approve the February 22, 2023, California Commission on Disability Access Education and Outreach Committee Meeting Minutes as presented. Committee Member Conway seconded. Motion carried 5 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Committee Members Conway, Hassan, Leon-Vazquez, and Lerner, and Chair ElHessen.

**California Commission on Disability Access
Education and Outreach Committee
May 17, 2023, Teleconference Meeting Minutes**

3. Comments from the Public on Issues Not on this Agenda

No members of the public addressed the Committee.

4. Disability Access Education Revolving Fund – Update and Discussion

Executive Director Dawson stated the Disability Access and Education Revolving Fund (DAERF) is managed by the Division of the State Architect (DSA). The funds are generated through business license fees from local governments and 90 percent of the fees stay local. The intention is for municipalities to turn it into an Access Compliance Fund. The main goal is to ensure that those funds are used for training and retention of Certified Access Specialists (CASps), although it can also be used for special projects related to helping businesses maintain Americans with Disabilities Act (ADA) compliance.

Executive Director Dawson stated the CCDA has been working with the DSA on a one-pager to educate businesses and local governments about the purpose of the Access Compliance Fund/DAERF and how it can help local governments partner with businesses to achieve access compliance. The one-pager, which has been finalized and approved, will soon be in the outreach phase.

Executive Director Dawson stated the outreach phase consists of (1) hosting a webinar targeting cities and counties that have not yet submitted reports to the DSA on their plans for use of the funds, (2) partnering with the Certified Access Specialist Institute (CASI) in reaching out to cities, counties, and businesses about the purpose of the fund and how to set up and leverage the fund locally, and (3) outreaching particularly to rural counties with a combination of Zoom meetings, mailers, and one-on-one meetings.

Executive Director Dawson asked for suggestions on who might benefit from attending the webinar.

Discussion

Chair ElHessen suggested including chambers of commerce in the outreach efforts.

Executive Director Dawson stated chambers of commerce are included in the outreach list but cities and counties will be targeted first since they administer the funds. It is important to consider the programs that might already exist with the use of the funds before bringing the chambers and municipalities together to discuss how to link the two.

Public Comment

No public comment.

5. Business Checklist: Educational Listing – Update and Discussion

Executive Director Dawson reviewed the Assembly Bill (AB) 2917: Top 10 Listing to California Businesses document, which was approved at the April full Commission

**California Commission on Disability Access
Education and Outreach Committee
May 17, 2023, Teleconference Meeting Minutes**

meeting and included in the meeting materials. She stated the business listing is part of the CCDA Accessible Parking Campaign.

Executive Director Dawson stated the Accessible Parking Campaign Toolkit includes a one-pager that is meant to inform businesses on who the CCDA is, how to avoid costly accessibility-related lawsuits, and common violations related to parking, access to goods, path of travel, and accessible routes. The one-pager will educate businesses on those definitions as well as ensuring that the CCDA is assisting businesses with quick and easy ways that they can remediate or prevent these access issues from occurring at their businesses. It will include part of the material in the toolkit condensed into a one-pager to complement that.

Executive Director Dawson stated Commissioners asked to include education for businesses on restroom access, particularly at gas stations and fast-food chains, since these locations made it to the 2021 Top Ten Alleged Disability Access Violations in the San Jose area and the Peninsula. Commissioners also asked that the Top 10 Listing to California Businesses be translated into multiple languages. The goal is to begin this project in the summer with the outreach phase beginning toward the end of 2023. An update will be provided at the next E&O Committee meeting.

There was no Committee Member discussion or public comment.

6. Use of HFL: Education and Outreach's Role – Update and Discussion

Executive Director Dawson stated the High-Frequency Litigant Fund (HFL) is one of the two General Fund funding sources and is generated from HFL filing fees. The balance of the fund in April was \$152,000. The funds need to be encumbered by the end of Fiscal Year 2024 and spent down by June 30, 2026. She stated she created a three-year plan to spend down the fund, which was approved at the April full Commission meeting. The spending plan will be modified based on additional funding.

Executive Director Dawson stated the Commission agreed to spend the funding on conducting five Listening Forums per year for a total of fifteen Listening Forums, as well as doing some business conference marketing, working the business listing one-pager, finalizing the Accessible Parking Toolkit, outreaching to the Bar Association on AB 2917 related to website accessibility compliance, and creating modules related to the ADA and website accessibility.

Executive Director Dawson stated staff has been working with accounting and contract staff to set up the Listening Forums for the next three years. The Pacific ADA Center is interested in partnering with the CCDA on some of the educational modules. Funds will also be used to translate the toolkit and other new projects into multiple languages.

Discussion

Committee Member Lerner asked about the languages the materials will be translated into.

**California Commission on Disability Access
Education and Outreach Committee
May 17, 2023, Teleconference Meeting Minutes**

Executive Director Dawson stated threshold languages will be considered for each of the locations being outreached to. For example, for the Listening Forum to be held in San Jose, materials will be made available in Chinese, Vietnamese, Spanish, and English.

Public Comment

No public comment.

7. CCDA Response to Assembly Bill 2917: Education & Outreach's Role – Update and Discussion

a. Website Accessibility

- **Upgrades to the CCDA Legal Portal**

b. Business Compliance

c. Accessible Parking Campaign Toolkit

Executive Director Dawson provided an overview of AB 2917, which directed the CCDA to create an Accessible Parking Toolkit, track alleged disability access violations related to websites, and create modules and/or toolkits targeted to businesses for website accessibility compliance. Updates to the CCDA website are being made to help with the mandated tracking efforts and data that can inform future outreach.

Executive Director Dawson stated the California State Bar Association is interested in partnering with the CCDA on social media campaigns to help attorneys understand their new obligations under AB 2917 and how to use the CCDA Legal Portal. Lunch-and-Learn opportunities are being planned for legal staff who utilize the Portal. Staff has also reached out to the Sacramento Bar Association for possible collaboration.

Executive Director Dawson stated the CCDA's Construction Workgroup and the Business Owners and Operators Workgroup have been working on the Accessible Parking Toolkit for the better part of a year. The DSA and the Real Estate Services Division have offered interdepartmental assistance with incorporating technical edits made by the Department of General Services (DGS) Office of Public Affairs (OPA) and the DSA on the two draft toolkits. The edits are expected to be completed before August, the community engagement process will begin in late summer/early fall, and the Toolkits are expected to be presented for review and approval at the October full Commission meeting.

Executive Director Dawson asked the E&O Committee for advice and support about who should be included in outreach efforts.

Discussion

Chair ElHessen asked, other than the Accessible Parking Toolkit, if toolkits and modules are planned for website accessibility and external paths of travel.

**California Commission on Disability Access
Education and Outreach Committee
May 17, 2023, Teleconference Meeting Minutes**

Executive Director Dawson stated the Accessible Parking Toolkit addresses accessible routes and exterior paths of travel.

Chair ElHessen asked about the role of the E&O Committee in vetting vendors who provide website construction and say they are 508 compliant but may not necessarily be, as discussed at the last full Commission meeting.

Executive Director Dawson stated the modules and toolkit being developed will educate businesses on best practices. The 508 standards refer to businesses that do business with the federal government, but those standards can be utilized to help determine best practices. Also, the WCAG is a body that created guidelines for website accessibility and the Department of Justice encourages businesses to utilize those. The CCDA will use the WCAG guidelines, input from the disability community on best practices, business owners, and individuals who develop websites to create the toolkit. Also, it is important to note in the toolkit that it is not legal advice and that the CCDA is not necessarily vetting individuals but that it assists businesses in becoming fully accessible to avoid litigation.

Committee Member Conway asked via the Chat Section whether feedback has been received from large firms that regularly use the CCDA Legal Portal.

Executive Director Dawson stated feedback has been received. Some firms have provided feedback about difficulties in using the Portal. Also, staff is proactive in contacting firms about repeat errors or clarifying what was meant in the complaint so that data is tracked properly.

Public Comment

No public comment.

8. 2023 Listening Forums – Update and Discussion

Executive Director Dawson stated staff has been planning Listening Forums to take place across the state. Originally, four Listening Forums were being planned for 2023, but part of how the CCDA will encumber the HFL Fund will be to plan 15 Listening Forums on different topics over the next three years. It is important to tie data with outreach and programming; therefore, the first Listening Forum will be in San Jose in partnership with the city of San Jose, members of Santa Clara County's Disability Committee, San Jose City Council, and business partners.

Executive Director Dawson stated the Listening Forums provide opportunities to bring local government and the disability and business communities together to discuss ideas for meaningful change related to business access, demystify assumptions, learn what is working in different communities, share challenges, and work on solutions. Listening Forums also provide an opportunity for the CCDA to listen and come up with ways to support those communities in the work that it does.

**California Commission on Disability Access
Education and Outreach Committee
May 17, 2023, Teleconference Meeting Minutes**

Executive Director Dawson stated the first Listening Forum will be held on August 31st at San Jose City Hall in the city of San Jose from 2:00 p.m. to 4:00 p.m. and will be moderated by Commissioner Shapiro. The sign-up form will include space for individuals to ask a question. The facilitator will try to answer as many of those questions as possible while leaving most of the time to listen to attendees and ensure that the municipalities, business, and disability communities in that region are talking with each other and leveraging resources.

Executive Director Dawson stated San Jose was selected for the first Listening Forum because the majority of the top ten alleged disability access violations reported in the CCDA's 2021 Annual Report to the Legislature took place in the San Jose area or on the Peninsula. This is an example of how the CCDA is using data to get the tools to the stakeholders that the data shows need it the most. She stated future regional Listening Sessions tied to the top-ten data are being planned.

Discussion

Commissioner Leon-Vazquez asked if the Listening Forums will be held virtually.

Executive Director Dawson stated the Listening Forums will be held both in person and on Zoom.

Commissioner Ramirez stated feedback received after the panel discussion on the legal landscape of alleged construction-related disability claims at the last full Commission meeting, particularly from the Hispanic Chamber of Commerce, was that they were interested to see how small business partners could be reached out to about accessibility requirements.

Commissioner Ramirez recommended, as data is gathered, considering diversity in business partners. For example, tribal communities have a different set of requirements on and outside of tribal land. Businesses that cross those areas need clarification on how to function. As more individuals find out about these things, attending seminars and events will provide opportunities to learn and leverage to improve their businesses.

Commissioner Ramirez stated they just completed their new Commissioner training on harassment, bullying, and retaliation and was surprised that this training is not offered in other positions. These trainings are available to state employees but they do not include anything related to disability or disability accommodations. It is sad to see that because, as the state educates business partners, it does not offer that type of understanding. It needs to be included across departments to help provide better understanding of the great work that is happening in this space.

Chair ElHessen stated she has been in discussions with staff and disability rights members on this topic. The lack of disability training, not only about access but across the board on sensitivity and accommodations, is failing. The lack of knowledge and education on disability rights has created ableism. She stated she has been trying to partner with legislators to create trainings in this area that would provide inclusiveness for people with disabilities.

**California Commission on Disability Access
Education and Outreach Committee
May 17, 2023, Teleconference Meeting Minutes**

Commissioner Ramirez volunteered to work with Chair ElHessen in talking with legislators on this topic.

Commissioner Leon-Vazquez stated employees of small businesses are required to have sexual harassment training every two years. She stated this requirement should be extended to service members as well. The training should also include disability rights. She suggested creating pamphlets and information to download, both general and related to different business types, to help employees learn about how to serve members of the disability community.

Public Comment

No public comment.

9. Future Agenda Items – Discussion

Committee Member Lerner stated the San Francisco Housing Code includes that elevators are only required to be kept in working order if the building is more than 50 feet high. He asked about other cities that have this requirement in their housing codes.

Executive Director Dawson stated staff will look into this and report back.

10. Adjourn

Chair ElHessen stated the next Committee meeting will be held on August 23rd. She asked for a motion to adjourn the meeting.

MOTION: Commissioner Conway moved to adjourn the May 17, 2023, California Commission on Disability Access Education and Outreach Committee meeting. Commissioner Ramirez seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Committee Members Conway, Hassan, Leon-Vazquez, Lerner, and Ramirez, and Chair ElHessen.

There being no further business, the meeting was adjourned at approximately 2:30 p.m.