

Department of Consumer Affairs

California Architects Board

INITIAL STATEMENT OF REASONS

Hearing Date

The California Architects Board has not scheduled a hearing on the proposed changes. However, a hearing will be scheduled upon request by any interested party if the request is received no later than 15 days prior to the close of the written comment period.

Subject Matter of Proposed Regulations

Disability Access Continuing Education (CE) for Architects

Section(s) Affected

Add Article 10, Section 165¹ to California Code of Regulations (CCR), Title 16, Division 2.

Background and Problem Statement

Statutory authority: The California Architects Board (Board) enforces the Architects Practice Act and licenses individuals in California as architects. The Board's highest priority when exercising its licensing, regulatory, and disciplinary authority is the protection of the public health, safety, and welfare, as mandated by Business and Professions Code (BPC) section 5510.15. The Board is authorized by BPC section 5526 to promulgate regulations as may be necessary and proper.

Senate Bill (SB) 608 (Glazer, Chapter 376, Statutes of 2019) added BPC section 5600.05 regarding the requirement for architects to complete disability access CE. The statute requires the Board to promulgate regulations to establish qualifications for disability access courses and course providers by January 1, 2023.

Existing regulations: The Board currently does not have any regulation establishing qualifications for disability access courses and course providers as required by BPC section 5600.05.

Background: BPC section 5600.05 requires an architect to complete five hours of CE on disability access requirements as a condition of their biennial license renewal. The Board, since July 1, 2009, has required its licensees to complete mandatory CE as a condition of license renewal. An architect self-certifies on their license renewal application whether they fulfilled the CE requirement. Since 2009, CE providers have

¹ All CCR references are to title 16 unless otherwise noted.

offered CE courses on disability access to California licensed architects. The course descriptions and proof of attendance documents submitted by licensees have raised questions for staff in processing license renewals. These questions arise in part due to the vagueness of the language in BPC section 5600.05, which will be clarified by the Board's adoption of this regulatory proposal. Specifically, ambiguities exist as to the time period for coursework completion; which provisions, standards, and regulations under California and federal laws govern disability access requirements; qualifications and requirements for courses and the providers; provider and licensee responsibilities for coursework documentation and recordkeeping; and consequences for architects who are found to be noncompliant with the statutory disability access CE requirements.

The Board frequently receives inquiries from architects regarding the acceptability of a disability access CE course. However, the Board is unable to provide any guidance as to what constitutes an acceptable disability access CE course. Architects are advised to rely upon the information provided in the course description or syllabus, if available, and use their judgement to assess whether a course meets the intent of BPC section 5600.05. Consequently, an architect may take one or more courses that ultimately are not accepted for fulfillment of the disability access CE requirement. This could result in the architect being found noncompliant if later audited by the Board. This approach to disability access course selection places an undue burden upon architects, which the Board seeks to eliminate by this regulatory proposal.

Architects also inquire whether a trainer or educator is qualified to present a disability access CE course. The Board is seeking this regulatory change to provide guidance in furtherance of BPC section 5600.05 as to what constitutes a qualified trainer or educator for disability access CE courses. While the statute specifies the subject matter about which the trainer or educator must be knowledgeable, this does not sufficiently inform an architect what qualifies the trainer or educator to provide the statutory-required coursework. Course descriptions and syllabi may not contain information regarding the qualifications of the educator or trainer. The lack of regulations establishing minimum qualifications for disability access CE trainers and providers results in licensees completing courses that do not actually fulfill the mandatory disability access CE requirement because a trainer or educator did not possess the requisite knowledge and expertise to present the course(s). This may also result in a finding of noncompliance and citation if the architect is audited. The Board seeks to remove this burden for architects through the adoption of this regulatory proposal.

A problem for both architects and the Board is the lack of clarity concerning the timeframe within which the coursework must be taken prior to an architect renewing their license. The statute contains language that states the coursework must be taken "as a condition of license renewal" but this language does not address architects who are late when renewing their license. Further, the existing statutory language does not place a limit on how long disability access CE coursework remains valid to fulfill the statutory requirement. Consequently, an architect could take a single course and use it to fulfill the statutory disability access CE requirement for multiple renewal cycles. The Board intends to clarify this issue through this regulatory proposal to assist architects in

properly fulfilling the mandatory disability access CE requirement of BPC section 5600.05.

The statute does not specify the statutory and regulatory provisions (other than the federal Americans with Disabilities Act of 1990) that a licensee must study in CE courses to fulfill the disability access CE requirement. This lack of clarity makes it difficult for architects to determine whether a course or its content would fulfill the mandate. The Board seeks to provide the necessary clarity through the adoption of regulations that provide clear guidance to architects regarding disability access CE and the content required to fulfill the statutory mandate of BPC section 5600.05.

Further, the statute is silent on whether an architect who is found to be noncompliant may be required by the Board to complete the deficient CE coursework. This creates a disparity in the architect population and appears counter to the legislative intent to have all licenses biennially take the mandatory CE courses. Through this clarifying regulatory proposal, the Board aims to implement what it believes is the intent of the legislature, which is to require noncompliant architects to fulfill the CE requirement.

Specific Changes: Purpose, Anticipated Benefit/Rationale:

CCR, Title 16, Division 2, Article 10, Section 165

Purpose: The proposed regulatory language would adopt California Code of Regulations (CCR), title 16, division 2, a new Article 10 Continuing Education which will contain a new section, section 165, Continuing Education Coursework Regarding Disability Access Requirements.

Anticipated Benefit / Rationale: The legislative mandate of BPC section 5600.05 requires the Board to promulgate regulations related to qualifications for disability access CE courses and course providers. Creating a new article leaves space available for future regulations in existing articles and easily identifies the subject matter of this regulatory proposal. The new article would contain regulations that clarify how architects must fulfill the statutory mandate regarding disability access CE, as well as clarifying for CE providers and trainers the standards for course content that will fulfill the CE disability access requirement. Adopting this regulatory proposal will fulfill the legislative mandate within BPC section 5600.05 to promulgate regulations related to mandatory disability access CE.

Section 165, subdivision (a)

Purpose: This subdivision would provide definitions for two new terms used in the proposed regulation. The definitions cite to existing definitions located in the Civil Code (CC) and Government (Gov) Codes to maintain consistency with existing law. Subdivision (a), paragraph (1) would define “certified access specialist” to mean a person certified through the Certified Access Specialist (CASp) Program created pursuant to Senate Bill 1608 (Corbett, Chapter 549, Statutes of 2008). Gov Code section 4459.5 cited in the proposed regulation includes the minimum criteria a person is required to meet to be a certified access specialist and may include enough

knowledge to review, inspect, or advocate universal design requirements. It also requires completion of specified training and testing on standards governing access to buildings for persons with disabilities. (Gov. Code § 4459.5.)

Subdivision (a), paragraph (2) would define “disability access requirement” to mean a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including but not limited to, any provision of, the statutes and regulations set forth in sub-paragraphs (A) through (F). The proposed language in sub-paragraphs (A) through (D) mirrors the first four items of law and regulation cited in CC section 55.52, subdivision (a)(6). This repetition in regulation, with minor clarifications, of the first four items listed in CC section 55.52(a)(6) is to avoid any vagueness or confusion in this regulatory proposal. Disability access CE providers, trainers, and instructors, as well as architects, would be able to look to this one regulation for all required disability access laws and regulations.

CC section 55.52 contains, as the fifth type of “construction-related accessibility standard” a citation to the “federal Americans with Disabilities Act Accessibility Guidelines (Appendix A to Part 36 of Title 28 of the Code of Federal Regulations).” Due to the 2010 changes made to the ADA standards for Accessible Design, this regulatory proposal revises that one citation to the federal ADA guidelines into two citations set out in sub-paragraphs (E) and (F), which apply to different types of buildings. Sub-paragraph (E) cites to Title II regulations regarding state and local government facilities and the 2004 ADA Accessibility Guidelines. Subparagraph (F) cites to Title III regulations for public accommodations and commercial facilities and the 2004 ADA Accessibility Guidelines. To properly implement the intent of CC section 55.52, the Board was required to update the citations to the federal ADA guidelines, and when the Board did so, the Board split the citations based on whether they covered state and local governmental facilities or public accommodations and commercial facilities for clarity.

Anticipated Benefit / Rationale: This subdivision’s two definitions would assist the Board, licensees, and the public in determining if a CE course properly covers disability access requirements and fulfills the mandated CE requirement for licensees. Defining “Certified access specialist” to reflect the use in Gov Code section 4459.6 helps ensure consistency of meaning when the term is referenced again in proposed subdivision (e). The citation of the statutes and regulations in CC section 55.52 along with the federal Americans with Disabilities Act Accessibility Guidelines provides a comprehensive definition of “Disability access requirement” for the purposes of construction-related accessibility standards compliance.

Section 165, subdivision (b)

Purpose: Subdivision (b) clarifies the number of CE hours required as well as the two-year period during which the mandated five hours of disability access CE must be completed. The Board approved the original draft of the proposed text at its June 5, 2020 meeting and subsequently decided to add greater specificity to the proposed text by clarifying that five hours of CE on the subject of California and federal disability

access requirements is statutorily required by BPC section 5600.05. The clarifying language was approved by the Board at its September 10, 2021 meeting. Subdivision (b) also clarifies that when a licensee is renewing on a delinquent basis, the mandated CE completion must have occurred during the 24 months immediately preceding their delinquent renewal. This further clarifies that a licensee cannot use completion of the same CE coursework to fulfill the CE requirement for multiple renewal periods. Subdivision (b) clarifies that credit towards the CE requirements will not qualify if a licensee is unable to maintain, and upon request of the Board make available, a certificate of completion, records, or other evidence showing completion of the CE requirement, and that the completed coursework meets the criteria specified in the proposed regulation.

Anticipated Benefit / Rationale: It is a condition of license renewal that licensees complete five hours of CE on disability access requirements. Specifying the precise number of hours required eliminates the need for licensees to research BPC section 5600.05 to understand the exact requirement. Each licensee has the same time, the 24 months immediately prior to their license renewal, to complete their disability access CE, regardless of when a licensee chooses to renew their license. Not allowing credit for coursework previously used to fulfill the CE requirement for a prior renewal ensures that licensees take new courses each renewal period for any overlapping license renewals. This enhances public protection by requiring licensees to keep current with the latest information related to disability access requirements. Requiring a certificate, records, or other evidence of completion allows the Board to ensure licensees comply with the specified time frames for when coursework can be completed. If a licensee is unable to provide the required documentation when requested by the Board, the Board's authority to deny a licensee credit towards fulfillment of their CE requirement is made clear. This assists the Board in fulfilling its mandate to protect the public.

Section 165, subdivision (c)

Purpose: Subdivision (c) establishes a minimum quality standard that disability access courses must meet by requiring such courses have clear and identifiable learning objectives, systematic presentation of the material, and that the material be presented by qualified educators or trainers.

Anticipated Benefit / Rationale: The Board seeks to ensure that the disability access CE courses taken by licensees provide material that adequately covers the subject matter. The Board considered and condensed a commonly used instructional design model that was developed in the 1970s in connection with training in the military called the ADDIE model. The acronym comes from five phases to consider in building an effective training: Analysis, Design, Development, Implementation, and Evaluation.

The first four phases of the ADDIE model, analysis, design, development, and implementation are integrated into subdivision (c)'s first two requirements: clear and identifiable learning objectives and systematic presentation of the material. When educators articulate clear and identifiable learning objectives, the Board, licensees, and the public can verify that the subject matter covered in a disability access course pertains to and sufficiently covers disability access requirements. Systematic

presentation of course material demonstrates consideration and forethought were used in formulating the course curriculum, and systematic presentations assist students in organizing and retaining core concepts and understanding how core concepts interrelate and are applied to architectural challenges. The third requirement of subdivision (c) is that course material be presented by individuals who meet the qualifications in subsection (e). This requirement seeks to ensure the development and presentation of the course material is done by qualified trainers and instructors for the benefit of the licensees required to take such courses, and the public who use the buildings designed by those licensees.

Section 165, subdivision (d)

Purpose: Subdivision (d) establishes that receipt of a certificate of completion is contingent upon a participant taking a summative assessment of their understanding of the CE coursework and scoring a minimum cumulative score of 80% or greater.

Anticipated Benefit / Rationale: A summative assessment at the conclusion of a course helps to demonstrate that licensees understand and retain the information presented. Academic grading in the US establishes that the score on an examination that represents a “C” grade is correctly answering between 70-79% of the material being tested. For an above-average score, like a “B” grade, this represents correctly answering 80-89% of the material being tested. The American Institute of Architects (AIA), which is the largest professional organization for architects in the U.S., requires a minimum score of 80% or better on summative assessments to pass a course and earn CE learning units. The Board chose to set a passing score of 80% or higher on the summative assessment to motivate licensees to pay close attention and strive to comprehend and retain a greater than average amount of the information taught in disability access CE courses.

Section 165, subdivision (e)

Purpose: Subdivision (e) establishes a trainer or educator’s minimum qualifications for knowledge and expertise required to teach disability access CE coursework.

Anticipated Benefit / Rationale: BPC section 5600.05 does not clarify the minimum knowledge and expertise that trainers or educators need to teach disability access requirements CE courses. As set out in subdivision (e) paragraph (1), the Board considers a CASp certified individual as described in subdivision (a) paragraph (1), or someone similarly certified by another US jurisdiction to perform one or more of the services described in 21 CCR 113 as having a high standard of specialized knowledge and expertise on disability access requirements. The Board researched what knowledge and expertise is required to become certified through CASp. 21 CCR 132 clarifies the minimum qualifications for admittance to the CASp Program. The Board utilized those qualifications as a starting point for its criteria for deciding what constitutes a qualified disability access trainer or educator.

The Board, through practitioner members’ experience, considers individuals holding ICC certification, from the national organization’s certification (subdivision (e), paragraph (2))

or from the California program certification (subdivision (e), paragraph (3)) as having sufficient expertise to instruct licensees on disability access requirements. Building officials who are seeking ICC certification are required to take and pass an exam within a specific trade. Clarifying specific ICC certifications that make an individual qualified to teach or present a course on disability access as specified in subdivision (e) paragraphs (2) and (3) will allow the Board and its licensees to easily determine whether a trainer or educator has adequate knowledge to present the material based on their certification.

The Board included individuals with ICC National certification as qualified to be trainers or educators in subdivision (e) paragraph (2) despite their not residing in California, or perhaps only having knowledge of, or expertise in, federal laws regarding disability access requirements. Many current trainers and educators teach, instruct, or present only on federal laws regarding disability access requirements. By allowing trainers and educators with only ICC National certification, the Board is enlarging the pool of available instructors from whom licensees can take courses to comply with the CE requirement. While federal ADA standards are less stringent than California standards, mastery of the federal ADA standards provides an instructor with sufficient expertise to be able to explain where federal and state ADA requirements differ. The Board sought to avoid imposing unreasonable restrictions that would deny otherwise qualified individuals with expertise in federal disability access laws and regulations from being able to provide courses to California architects.

The occupations listed in paragraphs (4), (5), and (6) require an individual to maintain updated knowledge and skills through holding certification on disability access requirements. The listed occupations require those individuals to either perform examinations, inspections, or reviews regarding compliance with state and federal laws regarding disability access requirements, and performing those tasks helps to ensure that those individuals have sufficient expertise to teach a disability access CE course.

Section 165, subdivision (f)

Purpose: This subdivision clarifies that a licensee cannot fulfill their CE requirement through self-teaching, self-directed activities, or by teaching, instructing, or presenting disability access requirements.

Anticipated Benefit / Rationale: The Board holds the view that licensees who teach disability access requirement courses must still fulfill their personal CE requirements by completing approved CE disability access courses taught by other CE providers. This creates an equitable situation where all licensees must meet the mandated disability access CE requirement in the same manner. Another benefit of requiring participation in disability access courses taught by other CE providers is that trainers or educators may improve the content of their own course curriculum and teaching, instructing, and/or presentations. Once the Board had decided to not allow providers to self-certify, the Board decided it was necessary to also prohibit self-certification by architects who are not disability access course providers.

Section 165, subdivision (g)

Purpose: Subdivision (g) specifies course providers must maintain for three years course completion records that include the information specified in BPC section 5600.05(b).

Anticipated Benefit / Rationale: The Board is requiring CE providers to maintain records of participant attendance and course completion for three years to ensure such records are reasonably available when the Board audits renewing licensees for compliance with the CE disability access requirements. Licensees must prove their CE compliance every two years, upon license renewal. Requiring CE providers to maintain records for three years ensures that licensees' records are maintained long enough so that licensees can prove their CE compliance if audited. Records maintained beyond three years would not be useful for the next renewal cycle, so the three-years was determined to be the most appropriate length of time for records retention. Under BPC section 5600.05(d), the Board must audit 3% of the license renewals that it receives each year to ensure compliance with the CE requirement. The proposed provider requirement for record retention of participant completion in subdivision (g) ensures the ability of the Board to efficiently conduct CE audits and meet its statutory burden to assess licensee compliance with the CE requirements.

Section 165, subdivision (h)

Purpose: Subdivision (h) requires course providers to issue, within five business days, a certificate of completion that includes the information specified in BPC section 5600.05(b) to licensee participants who have a passing score of 80% or above on the assessment.

This subdivision ensures that CE providers and licensees will be able to provide standard completion documentation that will be requested by the Board during CE audits.

Anticipated Benefit / Rationale: It is common for course providers of all types to provide certificates of attendance or completion to participants. The most common and effective way to provide participants a certificate of completion is to hand out the certificates to participants at the conclusion of the course. Because the Board is restricting the issuance of certificates of completion to only those participants with a passing grade of 80%, handing out certificates at the course's conclusion could be problematic for CE course trainers or educators. If the summative assessment is the last activity of the course, a trainer or instructor might not be able to determine the grades of each participant quickly enough to distribute certificates of completion before the participants leave. The Board decided to give CE providers an additional five business days to grade the summative assessment, determine which course participants earned a passing score of 80% or above, and provide those participants with certificates of completion.

To ensure compliance with the CE requirement of BPC section 5600.05, the Board must audit 3% of the license renewals that it receives each year. The proposed requirement

that the provider must give participants who pass the course a certificate of completion within five business days considers holidays, while ensuring no more than a week goes by from course completion to a provider-issued certificate of completion. The Board seeks to ensure it can conduct the statutorily mandated CE audits and assess licensee compliance with the CE requirements in a timely manner.

Section 165, subdivision (i)

Purpose: Subdivision (i) requires course providers to issue, within five business days of receiving a request from a licensee who is subject to a CE audit, copies of coursework documentation described in subdivision (g). This subdivision also makes clear that obtaining such records and providing them to the Board is the responsibility of the licensee who is the subject of a CE audit.

Anticipated Benefit / Rationale: A short response window exists for a licensee to produce evidence of their compliance with the CE requirement when selected for an audit. The Board chose five business days for the timeframe for a CE course provider's response in these circumstances to ensure no more than a week could elapse before the CE provider responded to the request of the architect being audited. Moreover, five business days is a reasonable timeframe for the CE provider to furnish a copy of the completion certificate to the licensee who must comply with the Board's audit requests. This regulation does not impose response timelines for a CE provider receiving a request for a duplicate certificate from a participant who is not the subject of an audit.

The subdivision (h) requirement that a CE provider must issue a certificate of completion, the subdivision (i) requirement that a CE provider must provide a duplicate certificate of completion, when combined with the subdivision (g) requirement to maintain course records for three years, clarifies for CE providers that they must incorporate their cost of complying with subdivisions (g), (h), and (i) into what is charged for the course. The proposal also establishes that the licensee, not the Board, has the burden of responsibility to obtain coursework documentation from CE providers in relation to a CE audit. When a licensee is undergoing an audit, it is the licensee's sole responsibility to provide (and to obtain from the CE provider if needed) the requested records to the Board.

Section 165, subdivision (j)

Purpose: Subdivision (j) defines the disciplinary or other administrative actions that may be taken or required when the Board determines a licensee has evidenced noncompliance with the CE requirement.

Anticipated Benefit / Rationale: This subdivision will encourage noncompliant licensees to fulfill their CE requirement by clarifying the Board's authority to take disciplinary or other administrative actions for CE noncompliance. Upon an initial finding that a licensee is out of compliance with the disability access CE coursework required in subdivision (b), the Board may issue an administrative citation. The Board chose to punish non-complaint architects via administrative citation to encourage licensees to comply and take disability access CE courses as soon as possible by requiring the

fulfillment of CE deficiencies prior to the next license renewal. That requirement to fix CE deficiencies before the next license renewal also creates a degree of equity among the licensee population. Having licensees provide evidence of completion of CE courses that resolve their deficiencies during the current renewal period is the least burdensome, most effective way the Board can ensure licensees have met the requirements to resolve their citation. Should a licensee fail to resolve their administrative citation during the current renewal period, the Board chose to allow the imposition of a further administrative citation or discipline. Allowing the Board to impose increasingly serious actions against nonconforming licensees is critical for the Board's implementation of the legislature's priorities as reflected in the adoption of SB 608 (Glazer, Chapter 376, Statutes of 2019). Additionally, the Board believes increased architects' compliance with the CE requirement is of great benefit to the disabled community and furthers the legislative intent of protecting the health, welfare, and safety of the public by requiring licensed architects to regularly take disability access CE courses.

Underlying Data

1. June 5, 2020 Board Meeting Agenda and Meeting Minutes
2. September 10, 2021 Board Meeting Agenda and Meeting Minutes
3. *2010 ADA Standards for Accessible Design*, Department of Justice, September 15, 2010 publication
<https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#titleII>.
4. *The American Institute of Architects, CES Programs, Provider Manual Policies and Resources 1.0*, Chapter Seven, Course Format Guidelines, Pages 28-29, regarding requirements for course quiz/exams
https://content.aia.org/sites/default/files/2016-11/CES_Provider_Manual.pdf
5. Senate Business, Professions and Economic Development Analysis of SB 608 (April 11, 2019).

BUSINESS IMPACT

The Board has made an initial determination that the proposed regulatory action will directly affect businesses statewide, including small businesses. While the Board has not previously had a CE course requirement for licensees established by regulation, CE providers have already been offering the specified five-hour disability access CE coursework in compliance with existing law since 2009. The proposed regulations are intended to better align the Board's regulations with current law and existing practice.

Because the proposed regulations do not increase the hourly requirement for license renewal, change the CE course subject matter, and/or otherwise result in additional

costs to CE providers and because CE providers already provide these courses, no economic impact is anticipated for businesses providing CE coursework.

This regulatory proposal may affect an undetermined amount of small businesses; however, these businesses will likely be able to meet the Board's requirements without increased costs or adverse impacts.

Businesses, including small businesses, may voluntarily incur some initial and ongoing costs in following the Board's criteria for CE courses. Businesses, including small business, may incur costs for additional staff, coursework development, and IT costs for courses offered online and recordkeeping databases. The Board has determined that the costs would be minimal and insignificant as many of the initial costs and ongoing costs may already be part of a CE course business's infrastructure. These initial and ongoing costs should be easily offset by increased revenue from licensees taking CE courses as a condition of their license renewal or increased course fees.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not eliminate jobs for licensees, but it will possibly both eliminate and create jobs for CE providers, trainers, or educators within the State of California. The Board has determined that this regulatory proposal may potentially eliminate trainers or educator positions with CE providers if those trainers or educators do not meet the minimum criteria for a trainer or educator of disability access CE courses, as established by this regulatory proposal. Trainers or educators that do not meet the minimum qualifications may still teach CE courses on other subject matter for which they are appropriately qualified. Licensees are less likely to take courses from trainers or educators who are not qualified to teach disability access CE courses under this regulatory proposal because those licensees will not get CE credit for the Board for attending those courses. However, many trainers or educators are expected to already meet the minimum criteria for a trainer or educator established by this regulatory proposal.
- It is not expected to create new business within the State of California. This regulatory proposal may lead to the elimination of an unknown number of existing businesses within the state, if those businesses are not able to comply with the regulations set forth in this proposal. However, most of these businesses are expected to be able to meet the requirements provided in this regulatory proposal to offer disability access CE.
- It will not affect the expansion of businesses currently operating within the State of California. This proposal establishes CE requirements which are not expected to lead to an expansion of businesses, as sufficient businesses already exist that have provided disability access CE courses to architects renewing their licenses since 2009.
- This regulatory proposal will establish consistent disability access CE course

attendance for licensees, which will benefit the health, safety, and welfare of Californians.

- This regulatory proposal affects worker safety because architects better versed in disability access requirements will design buildings that are more inclusive and thus a benefit to all who use those buildings.
- This regulatory proposal does not affect the state's environment because it is not related to the environment in any manner.

Fiscal Impact Assessment

The proposed regulations do not result in a fiscal impact to the state.

The Board has required licensees to complete CE courses, as specified, and ensured compliance since 2009, under statutory authority. This proposal updates the Board's regulations consistent with the existing practice and procedures and current law. Since the Board already ensures compliance with the existing CE requirements for licensed architects, the proposed regulations regarding disability access CE will not impact the Board's current workload for CE compliance. Moreover, since the regulatory proposal makes clear that licensees subject to a CE audit have the responsibility to maintain their CE records or obtain their disability access CE records of course completion, there is no added workload for the Board. As a result, no additional workload or costs are anticipated.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

The Board has made an initial determination that no reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Statement of Non-Duplication - 16 CCR §165(a)(2)

The proposed regulations partially duplicate state and federal laws and regulations. The purpose is to allow disability access CE providers, trainers, and instructors, as well as architects, to be able to look to this one regulation for all required disability access laws and regulations.

As described above, the proposed language in sub-paragraphs (A) through (D) mirrors the first four items cited in CC section 55.52, subdivision (a)(6). This repetition in regulation, with minor clarifications, of these first four items is to avoid any vagueness or confusion in this regulatory proposal.

Sub-paragraphs (E) and (F) contain a citation to the “federal Americans with Disabilities Act Accessibility Guidelines (Appendix A to Part 36 of Title 28 of the Code of Federal Regulations).” To properly implement the intent of CC section 55.52, the Board was required to update the citations to the federal ADA guidelines, and when the Board did so, the Board split the citations for clarity based on whether they covered state and local governmental facilities or public accommodations and commercial facilities.