



# NEW WORLD

For Persons with disAbilities

June 2018

Californians for DisAbility Rights, Inc.

DCAD 2018 Edition

## PRESIDENT'S MESSAGE

By Susan Chandler

Issues - we all have issues, but persons with disabilities have issues which others do not have such as: Parking abuse by other disabled people; being denied access because business owners' stores are too crowded; employment, lack of opportunities because managers cannot "see" that a person with a disability can do the job, even with proof; schools, denying testing for learning disabilities, or accommodations etc; others' attitudes of "we Know best what is good for you" - discounting peoples' own knowledge of what would work best for them. Feel free to add to the list, and send me a story about it.

"Some of the worst parking offenders are folks who are disabled; they seem to think that they are the only ones. Parking incorrectly constantly, it seems there is no communication to them of their own responsibilities....I have a short fuse for the disabled abusing the spaces." (From CDR member, George Curtis.)

As we approach another legislative visit to Sacramento on June 7 at DCAD (Disability Capitol Action Day), I continue to be amazed at the arrogance of the state and national business communities that lobby the legislative bodies to change the laws, so they do not have to accommodate people with disabilities in the physical environment! What is wrong with these people? A long time ago CAPH (CDR's predecessor) fought hard to get the regulations and codes put in to place, so that people with physical limitations could navigate in the physical environment without barriers. Of course, we soon realized that it was not just physical barriers that stopped our participation in our communities; it was also attitudinal barriers that kept people out.

Unfortunately, we all still face barriers in gaining employment and sometimes even schooling. I know many disabled people who have advanced degrees who do not work because they cannot get jobs which

(Cont. on page 5)

## LEGISLATIVE REPORT

By Ruthee Goldkorn

Friends, Californians, Countrywomen and Men Give Us Your Ear!

Okay, so I plagiarized a little from Julius Cesar, the point is that you, my friends are why we are still standing. We fight and we lose. We fight and we win. We fight and it's a draw, then they come back at us and we do it all over again. Point being, we stand tall and we stand for the rights of 17 million Californians with disAbilities and the millions more across this country fighting the same fight; - the Right to LIVE FREE ANDEQUAL, with equity and dignity. Some people find this offensive, tough s\*\*\*!!!! We stand together. We never back down. We never give up. They just keep coming and by God, they face our Wall Of Freedom every time.

This has been another bad year. We have fought the federal HR 620 bill which would eliminate the ADA (meaning it would eliminate ADA enforcement). Fortunately, it is still laying down and smoldering on the Senate floor, however that does not mean it is dead. Like Kilauea, it has the ability to rise up and spew its hate, eating everything in its path. The midterms will tell if it will blow. If the Ohio, Virginia and Indiana primaries are a glimpse of the future, we may well be in the path of destruction.

We had several state bills that we beat back, but they will come to life again and again and again. We had several bills that we support, and are very good for our community. The Chair of the Legislation Committee will report on them in another article.

Friends, Californians, Countrywomen and Men, it is Ground Hog's Day. To end the cycle of legislative assaults, we will only achieve this lofty goal by GETTING ELECTED, which is the only way to end the circle of insanity: doing the same thing over and over and expecting a different result.

It is important to work for the campaigns of candidates with disAbilities and make sure to walk those precincts to get out the vote for every candidate

(Cont. on page 5)

**NEW WORLD**  
**Disability Capitol Action Day**  
**2018 Edition**

**Californians for**  
**DisAbility Rights, Inc.**  
www.disAbilityrights-cdr.org

**New World Staff:**  
Susan Chandler, Kathleen Barajas

**CDR State Officers:**  
**President:**  
Susan Chandler  
805 528-4695, barnonhill@aol.com

**Vice-President:**  
Linda Hinchey -  
hinchey\_16@sonic.net

**Treasurer:**  
Kathleen Barajas -  
kdbarajas@icloud.com

**Executive Committee Members:**  
David Juare -  
d.juare60@gmail.com  
Ruthee Goldkorn -  
knowbarriers@yahoo.com  
Ben Rockwell -  
rocky.ben@verizon.net

**Web mistress:**  
Kathleen Barajas -  
kdbarajas@icloud.com

**Legislative Committee Chair:**  
Randy Hicks -  
rhfactor\_98@yahoo.com

**CDR Member's Exchange:**  
Kathleen Barajas and Ben Rockwell

**Immediate Past Presidents:**  
Laura Williams, Linda Hinchey

**CDR's Mission** - To Improve the Quality of Life for All Persons with any DisAbility Through Education and Training - By Working to Remove Barriers Through Advocacy and Change in Public Policy.

Originally organized in 1970 as CAPH (the California Association of the Physically Handicapped) - with five members, CDR has grown to become an effective and widely respected cross-disAbility advocacy force.

**CHRISTINA MILLS,**  
**NEW EXECUTIVE DIRECTOR AT CFILC**

After a statewide search, the California Foundation for Independent Living Centers (CFILC) Board of Directors has selected Christina Mills as its new Executive Director. A lifelong disability rights advocate, Mills is a champion for families and youth with disabilities across California who desire to lead full, productive lives on their own terms.

"Christina has demonstrated the ability to lead, and to ensure that CFILC continues its history of building the capacity of Independent Living Centers," said Board Chair Ana Acton. "She'll work in collaboration with allies to create positive public policy changes that benefit people with disabilities of all ages."

Mills joined CFILC in 2006 as the Statewide Community Organizer and has served as Deputy Director since 2010. She brings broad professional and personal experience, both as a seasoned and skillful advocate, as person with a disability, and as a parent of children with disabilities.

"Having lived on SSI benefits for more than half of my life, I know how challenging it can be to achieve autonomy and self-sufficiency," said Mills, 40. "We have a great deal of work to do in our society to shift the narrative about disability from one of pity and tragedy to something more reflective of our inherent power, value and resilience.

My vision is to raise the visibility of California's thirty-nine million disabled youth, adults and seniors and create opportunities in places where our community is traditionally marginalized."

In her new role as Executive Director, Mills will bring intergenerational and intersectionality opportunities forward in Independent Living and Disability Rights, while working in solidarity with other social justice organizations who value human diversity.

Born in San Diego, Mills began her post-secondary education while simultaneously pursuing a career in disability rights. In 1998, she served as a field coordinator for The Dayle McIntosh Center located in Orange County. She later worked for San Diego-based Access to Independence for six years.

In 2001, Mills was appointed by then Governor Gray Davis to the State Independent Living Council. As a young professional, she was active in several leadership activities including National Council on Disability, Youth Advisory Committee Chair, Youth Consultant for the National Family Voices and Kids as Self Advocates (KASA) project.

She became a Student Delegate for the California Youth Leadership Forum for Students with Disabilities in 1995, and has been a supporter of the program ever since. Christina's passion for offering youth leadership opportunities for others led her to become Co-founder of CFILC's youth program, YO! Disabled and Proud.

In 2008, she was awarded the National Council on Independent Living Region IX Advocate of the Year. In 2011, she received the California Coalition for Youth Sue Mathewson Mentoring Award and was inducted into the National Susan Daniels Disability Mentoring Hall of Fame in 2016.

Christina serves on the board of the Disability Rights Education Defense Fund (DREDF) and is a State Board of Education Appointee to the Special Education Advisory Commission of California.

Christina proudly identifies as disabled. Her favorite poem written by Laura Hersey is, "You Get Proud By Practicing." Christina is a mother of two children. Her young daughter Olivia passed away in 2016. Christina's husband and son keep her busy with gardening, traveling when she's not working or volunteering. (Press release from CFILC)

## LEGISLATIVE BILLS CONSIDERED FOR DCAD

These are some of the bills compiled by Peter Mendoza and come from CDR, the State Council on Developmental Disabilities (SCDD), & DRC (Disability Rights CA). CDR supports those that say "support".

**AB 2039 (Fong): SUPPORT:** For taxable years 2018 through 2022, creates a tax deduction for contributions made to a **CalABLE** account (California Achieving a Better Life Experience). The purpose of the deduction is to encourage people to contribute funds into a CalABLE account on behalf of a beneficiary.

**AB 2657 (Weber): SUPPORT:** A DRC sponsored bill in 2018, permits an educational provider to use behavioral restraints or seclusion only if a pupil's behavior presents an imminent danger of serious harm to the pupil or others & prohibits their use entirely for the purpose of coercion, discipline, convenience or retaliation. It requires a school to schedule a debriefing of the pupil's parent or guardian within two days of any use of restraint or seclusion.

**AB 2171 (Frazier):** The intent is to increase opportunities so that individuals with ID/DD can prepare for & engage in competitive integrated employment (CIE).

**SB 1040 (Dodd) IHSS:** Sponsored by CAPA, this bill seeks to address shortcomings & gaps in the provision of services to IHSS recipients in situations where there is a natural disaster. In the event of a state of emergency, this allows recipients to continue receiving services & providers to obtain replacement payroll checks.

**AB 1909 (Nazarian): SUPPORT:** requires the DSS to provide translations in DSS's four threshold languages of all written content that is mailed to, or electronically viewed by, IHSS providers.

**SB 1045 (Wiener & Stern): OPPOSE:** Authorizes a pilot project in San Francisco & Los Angeles counties to establish a procedure for the appointment of a conservator for a person who is chronically homeless & incapable of caring for their own health & well-being due to serious mental illness & substance use disorder, as evidenced by high-frequency emergency department use, high-frequency jail detention, or frequent placement under a 72-hour involuntary hold, as provided.

**AB 1971 (Santiago):** A number of mental health, homeless & civil rights organizations & advocates have formed a coalition to oppose this bill. Seeks to expand the definition of "gravely disabled" under the Lanterman-Petris-Short Act (LPS) to allow counties to seek & obtain conservatorships for individuals who are believed to be unable to provide

for their own care, typically because they are homeless.

**AB 3200 (Kalra): SUPPORT:** As part of the "100x100" campaign by the SSI Coalition; this bill would increase the state share of the SSP portion of the monthly grants for recipients by \$100 per month.

**AB 3006 (Stone):** Sponsored by DRC in 2018, requires each county to designate a Deaf & Hard of Hearing Coordinator to oversee & facilitate accommodations necessary to ensure effective communications between county staff, entities, & all Deaf & hard of hearing individuals & families receiving county provided child welfare services so families can stay together.

**SB 354 (Portentino):** sponsored by DRC & introduced in 2017, requires a school district to provide a parent with a copy of the IEP, & any revisions, in the native language of the parent, within 30 days of the meeting.... It requires translation of the documents by a qualified translator in the native language of the parent during the planning process for the IEP. It ensures that parents whose native language is not English have timely access to a translation of their child's IEP to allow for meaningful involvement in their child's education.

**AB 3002 (Grayson):** Requires local jurisdictions issuing building permits for renovation or new construction to provide, prior to approval, an informational notice directly attached to the applicant's application for a building permit containing certain information, including: 1) information on access compliance requirements under both state & federal law; 2) an advisory strongly encouraging the applicant to obtain a Certified Access Specialist (CAsp) inspection; 3) the names of local CAsp inspectors and information on how to obtain their services; & 4) a notice of the federal & state programs that are available to assist small businesses with disability compliance & access expenditures.

**AB 1335 (Kalra):** DRC sponsored from 2017, a bill that clarifies the causation standard in nursing home death cases.

Other bills that DCAD was considering were: **AB 2253 (Irwin); SB 1247 (McGuire); AB 2430 (Arambula); SB 1396 (Galginani); AB1951 (O'Donnell); and AB 2132 (Levine).** To find more comprehensive info on any of the bills you can go to [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

**JUSTICE IN AGING: Fighting Senior Poverty Through Law--has several articles about Disability and senior issues that might be of interest to you.**

## IT'S JUST COMMON SENSE

By Potter/Handy

A recent lawsuit against Starbucks demonstrates a very important point about disability civil rights: *most of the time, it is just common sense.*

In the Starbucks case, a San Jose coffee shop had fully compliant transaction counters and paths of travel. In other words, it would have passed any building code inspection. There was 36 inches of path to the counter and to the restroom, and there was a lowered section of transaction counter, however this is where common sense should have kicked in. Starbucks placed merchandise display stands in the center of the path of travel, and placed its chairs and tables in a way that partially blocked the path of travel to the restroom. Additionally, there were a variety of display items on the transaction counter crowding it, so that it no longer had 36 inches of clear width.

Starbucks only paid attention to the *technical* requirements for physical access under the Americans with Disabilities Act; that is important, of course. There is, in fact, an actual building code for accessible design. Starbucks ignored the operational issues at its store. It failed to appreciate that the ADA's building code is different than any other on the planet *because it is also a civil rights standard.* Thus, a business not only must have accessible facilities, it must make sure that persons with disabilities can use them.

The plaintiff had to ask people to move out of his way, due to the bottleneck caused by the obstructions. He had to have a chair moved to simply get to the restroom. The transaction itself was also difficult and awkward, because of the crowded counter. In all, it was a frustrating—even embarrassing—episode for the plaintiff. Starbucks argued to the court that “there was no ADA violation because plaintiff testified that he reached the transaction counter and was able to buy a coffee.” The court rejected the argument and held: “This argument ignores the law on harm in access barrier cases, the ADA does not require a plaintiff to have been denied access altogether” . . . it is a violation, if it simply causes difficulty or frustration.

The plaintiff won the case. The issue was so clear to the court that the plaintiff was awarded \$4,000 without having to go to trial. The judge disposed of the case by motion.

This is all too common. It is not enough that a business has technically compliant facilities; how the business *uses* the facilities matters. So many businesses stock their stores full of merchandise, and

stick advertisements and knick-knacks in all available space. This might be a great marketing ploy, it might be a way to maximize floor and counters space, however it is often illegal. The desire to display as much merchandise and wares as possible cannot trump the important civil rights that persons with disabilities have with regard to movement in and around businesses.

A lawsuit creates a valuable ripple effect. It is very unlikely that this San Jose Starbucks will again ignore where they place their tables, chairs and display racks. Without ever knowing the folks he has helped, it is unquestionable that the plaintiff in the Starbucks' case has created a real benefit for the thousands of disabled customers who will buy coffee at that location in the future days and years.

If you have experienced violations like the plaintiff in the Starbucks' case, please don't hesitate to contact the Center for Disability Access. We have handled hundreds of cases just like this and are ready and willing to take your case.

### **ABILITIES EXPO, SAN MATEO**

**Dates: October 26-28, 2018**

**When: Friday, Oct. 26, 11am to 5pm**

**Saturday, Oct. 27, 11am to 5pm**

**Sunday, Oct. 28 - 11 am to 4 pm**

**Where: San Mateo County Event**

**Center - Expo Hall**

**1346 Saratoga Drive**

**San Mateo, CA 94403**

### **WITH A SPEECH DISABILITY, YOU CAN USE THE TELEPHONE INDEPENDENTLY!**

**Call 711 and ask for Speech-To-Speech**

- ◆ 7 days a week - 24 hours a day
- ◆ There is no charge to use Speech-to-Speech; however, regular phone charges do apply.
- ◆ The trained communication assistant ensures that your listener pays attention. She/He repeats your exact words or the output of your AAC device.
- ◆ All conversations are confidential. There is no censorship.
- ◆ Telephone Relay Services are programs of the Public Utilities Commissions in all 50 States.

## PRESIDENT'S REPORT

(Cont. from page 1)

pay them enough, so they can get off of benefits! CAPH got a bill passed that allowed persons with disabilities to work and collect benefits up to a certain dollar limit, however the main hurdle is getting a good paying job in the first place. Most of the persons with disabilities that I know are employed by the State of California, other governmental agencies, or Independent Living Centers! Finally, in this age of electronics and computers, there are more businesses, corporations, and universities that are now employing more persons with disabilities. Also, in this internet age, many persons with disabilities are becoming entrepreneurs — creating their own successful business enterprises. Of course, however, that is not for everyone.

Now I suppose you are wondering whatever happened to the CDR election? So am I! No one sent me a nomination form that I could find in my copious emails! Do you want to see CDR just fold up and go away like the dinosaurs? Or are you comfortable that others will take over and do the wonderful job that CDR has done over the 47 years since 1971? Let me know if you are interested in helping run CDR's work at the legislature in Sacramento. It's easy, but it is rewarding. Just email me at [barnonhill@aol.com](mailto:barnonhill@aol.com) or call me at (805) 528-4695.

## LEGISLATIVE REPORT

(Cont. from page 1)

who SAYS out loud, and on record they will never do anything that takes away our Rights. The ONLY place we are ALL equal is the ballot box, and the only power is in the ballot box's tallies. Work at the polls, walk the streets, make yourselves seen and heard.

People, we have the singular power to change our world. My parting words to everyone - Just Run Baby!

### GET INVOLVED WITH DISABILITY RIGHTS, ADD EXPERIENCE TO YOUR RESUME!

Now is your opportunity to get involved with Californians for Disability Rights! We will be holding an election this summer, now is the time to become a CDR officer, and get more involved in the disability community!

All positions are up for election: President, Vice-President, Secretary, and Treasurer. No prior experience is required.

\*\*Submitted applications entitles you to one (1) year membership in the organization.

If we cannot obtain a full Executive Board before Fall, Californians for Disability Rights may be forced to downsize, and remain only with their Legislative Committee. Help us continue CDR's work of 40+ years of advocacy, be the "changing force" in your community! For more information, email Susan Chandler at [Barnonhill@aol.com](mailto:Barnonhill@aol.com).

## CDR, INC. OFFICER NOMINATION FORM

\_\_\_\_\_  
Name ( ) Phone (Home or cell)

\_\_\_\_\_  
Email (having regular access to email is an essential part of the job)

**Position(s) applied for:** \_\_\_\_\_

### Advocacy Experience (on separate sheet):

First, tell us why you want to get involved with Californians for Disability Rights, then elaborate on your experience with helping achieve change that resulted in better access for people with disabilities. This could either be at a governmental level (City, County, State, or Federal) or any other advocacy activity. Tell us how long you have been doing this work, and whether you have worked with CDR or other organizations. Give as many details you feel are relevant.

### References (on separate sheet):

Please give us the phone numbers or email addresses of three individuals who we can talk to you about your advocacy work.

**\*Email your answers to the nomination form on a separate page to Susan Chandler, President at [Barnonhill@aol.com](mailto:Barnonhill@aol.com).**

**Californians for Disability Rights, Inc.**

C/O Kathleen Barajas  
 1410 Simmons Avenue  
 Los Angeles, CA 90022

**Return Service Requested**

<b>CDR MEMBERSHIP APPLICATION</b>		
FIRST NAME, MIDDLE INITIAL, LAST NAME		[ ] New or [ ] Renewal
STREET ADDRESS, APT. #		
CITY	STATE	ZIP
TELEPHONE (Home/Fax)	E-MAIL ADDRESS (print carefully)	DATE
<b>MEMBERSHIP FEES:</b> <input type="checkbox"/> Regular - \$25.00 <input type="checkbox"/> Family (2 people) - \$40.00 <input type="checkbox"/> Student/Low Income - \$10.00 <input type="checkbox"/> Lifetime - \$200.00		AMOUNT ENCLOSED
<input type="checkbox"/> Please put me on the CDR Members Exchange via Yahoo Groups *must supply e-mail address		
<b>INSTRUCTIONS:</b> Check the web site for more membership info: <a href="http://www.disabilityrights-cdr.org">www.disabilityrights-cdr.org</a> Print out this form, complete all entries, and mail it with a check for amount due, payable to:  <div style="text-align: center;"> <b>Californians for Disability Rights, Inc.</b>  <b>C/O Susan Chandler</b>  <b>1193 17th Street</b>  <b>Los Osos, CA 93402-1425</b> </div>		