

Department of Consumer Affairs
TITLE 16. CALIFORNIA ARCHITECTS BOARD

PROPOSED MODIFIED TEXT
Disability Access Continuing Education

Legend:	Added text is indicated with an <u>underline</u> .
	Deleted text is indicated by strikeout .
	Changes made since the last Board meeting are indicated by yellow high-lighting ,
	Added text is indicated with a <u>double-underline</u>
	Deleted text is indicated by double-strikeout .

Adopt a new Article 10 of Division 2 of Title 16 of the California Code of Regulations as follows:

Article 10. Continuing Education

Adopt Section 165 of Article 10 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 165. Continuing education coursework regarding disability access requirements.

(a) For purposes of this section, the following terms have the following meanings:

- (1) “Certified access specialist” means a person who is certified pursuant to Government Code section 4459.5.
- (2) “Disability access requirement” means 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, or standard or regulation set forth in, the following:
 - (A) Civil Code sections 51, 54, 54.1, and 55.
 - (B) Part 5.5 (commencing with section 19955) of the Health and Safety Code.
 - (C) California Building **Standards** Code, section 1.9.1 and chapters 11A and 11B of volume 1 of part 2 of title 24 of the California Code of Regulations.

(D) Titles II and III of the federal Americans with Disabilities Act of 1990 (“ADA”) (42 U.S.C. Sec. 12101 et seq.).

(E) Title II of the ADA Standards for Accessible Design (state and local government facilities), consisting of part 35.151 of title 28 of the Code of Federal Regulations (CFR) and the ADA Accessibility Guidelines (36 CFR part 1191, appendices B and D).

(F) Title III of the ADA Standards for Accessible Design (public accommodations and commercial facilities), consisting of subpart D (commencing with section 36.401) of part 36 of title 28 of the CFR and the ADA Accessibility Guidelines (36 CFR part 1191, appendices B and D).

(b) ~~For the purposes of section 5600.05 of the code~~As a condition of renewal, a licensee shall complete five hours of continuing education (CE) coursework on the subject of California and federal disability access requirements that meets the criteria specified in this section during each two-year license renewal period prior to the license expiration date, or, if the license is delinquent, during the 24 months immediately preceding the date on which the licensee submits the delinquent renewal application. ~~A licensee shall not have already used the CE coursework to satisfy CE coursework requirements for a prior renewal period. Any CE coursework for which the licensee, in contravention of section 5600.05(b) of the code, does not maintain, or cannot otherwise make available to the board, at the board’s request, either~~ The board shall consider CE coursework incomplete and the licensee not in compliance with this section if, within 15 days of the board’s notice of audit and written request, the licensee does not make available to the board the proof required by this section. For purposes of this section “proof” shall mean any of the following:

(1) a certificate of completion described in subsection (h),

(2) attendance or course completion records from the course provider as described in subsection (g), or,

(3) ~~such other records of completion that contain the information specified in Section 5600.05 of the code. such other evidence that, in the board’s determination, establishes that the licensee completed CE coursework meeting the criteria specified in this section, shall not qualify as credit toward fulfillment of this CE requirement.~~

(c) The CE coursework shall have clear and identifiable learning objectives, systematic presentation of material, and be presented by trainers or educators who meet the qualifications in subsection (e).

(d) A provider shall only issue a certificate of completion to a participant who takes a pre-recorded course not presented live or presented by recorded webinar upon the

participant's successfully passing of a test ~~summative assessment~~ of the participant's knowledge and understanding of the CE coursework. ~~The assessment shall have~~ "Successfully passing" shall mean a minimum cumulative passing score of at least eightyseven percent (870%).

- (e) A provider must use trainers or educators who have knowledge and expertise in disability access requirements and meet one of the following criteria:
- (1) Be a certified access specialist or certified by another United States jurisdiction to perform one or more of the services described in section 113 of title 21 of the California Code of Regulations.
 - (2) Hold a certification from the International Code Council ("ICC") National Certification as one of the following:
 - ~~(A)~~ Residential Building Inspector.
 - ~~(B)~~ (A) Commercial Building Inspector.
 - ~~(C)~~ (B) Building Plans Examiner.
 - ~~(D)~~ (C) Certified Building Official.
 - ~~(E)~~ (D) Code Specialist.
 - ~~(F)~~ (E) Accessibility Inspector/Plans Examiner.
 - (3) Hold a certification from the ICC California Certification Program as one of the following:
 - ~~(A)~~ California Residential Building Inspector.
 - ~~(B)~~ California Commercial Building Inspector.
 - ~~(C)~~ California Building Plans Examiner.
 - (4) Hold a license or registration issued by a United States jurisdiction as an architect or a professional, civil, or structural engineer.
 - (5) At least two years' employment by a building department or other building code enforcement agency of any state or local governmental jurisdiction as a plan reviewer, plans examiner, building inspector, building or construction consultant or construction inspector.
 - (6) At least three years' employment as a disability access specialist conducting assessment of facilities for specific needs of the disability community.

- (f) An architect shall not certify completion of the CE requirement through self-teaching or self-directed activities. Teaching, instructing, or presenting a course on disability access requirements shall not qualify as credit for fulfillment of the CE requirement of this section.
- (g) A provider shall maintain for at least three years from the date of course completion records of participant attendance and course completion, including the information specified in section 5600.05(b) of the code, for each CE participant.
- (h) Within fifteen business days from the administration completion of the post-course, test, or the passing of the test of a recorded course, a provider shall issue within five business days of the assessment a certificate of completion to each participant who successfully passes the test/assessment described in subsection (d). The certificate of completion shall include the information specified in section 5600.05(b) of the code.
- (i) Upon written request by a licensee who is the subject of a CE audit, a provider shall issue within fifteen business days of the date of the request a copy of the records specified in subsection (g). It shall be the responsibility of a licensee to obtain those records from the provider if they are requested by the board and make those records available to the board. In addition, the licensee shall cooperate in the audit and investigation of the licensee's compliance with this section, including taking all steps required by the CE provider to authorize the release of information to the Board, including signing any authorization or consent to release the licensee's records of completion or coursework to the Board.
- (j) A licensee found noncompliant with the CE coursework requirement of subsection (b) is subject to administrative citation. The licensee shall remedy any deficiency during the current renewal period, in addition to completing the CE coursework requirement for the current renewal period. A licensee not in compliance with this section shall remedy any deficiency of the CE requirements of this section by completing the coursework prescribed by this section for the prior renewal period during the current renewal period, in addition to completing the CE coursework required in this section for the current renewal period. Before the end of the current renewal period, the licensee shall provide the board proof/evidence, as described in subsection (g), that the deficiency of CE credits has been remedied as prescribed by this section. is remedied. A licensee who fails to comply with this subsection shall be subject to further administrative citation or discipline.

Note: Authority cited: Sections 5526 and 5600.05, Business and Professions Code.
Reference: Sections 5578 and 5600.05, Business and Professions Code.