

THE BLIND CALIFORNIAN



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In accepting material for THE BLIND CALIFORNIAN, priority will be given to articles concerning the activities and policies of the California Council of the Blind and to the experiences and concerns of blind persons.

Recommended length is under three pages or 1800 words.

The deadline to submit material for the Summer 2016 issue of THE BLIND CALIFORNIAN is noon on April 15, 2016.

Please send all address changes to the Executive Office.

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From the Editor's Desk

by Judy Wilkinson

By the time you read this, word will probably have reached you that I am running for the office of president of The California Council of the Blind. But if elected, I will continue as BC editor for some period. I invite you to read all three of the posted candidates' statements on our website or call Ed to receive them in an alternative format.

I have been making a big deal over this 60th anniversary of the Blind Californian: because I love this publication; because I respect its history. Cathie Skivers has some precious braille volumes from the

early years from which we hope to print excerpts in the summer and fall issues. Our interviews with former BC editors continues as Susan Glass talks with her good friend Mike Keithley. Mike wishes we would devote at least one issue a year to new writing and to more lifestyle matters. I hear you Mike. We'll strive to find those pieces. And as it happens, enjoy Maureen Schulz's "Thirteen Reasons Why I Enjoy Being Blind" and Testing Limits on the American River by Alice McGrath submissions. During our upcoming

conference/convention, at the luncheon sponsored by CLUA, California Chapter, Library Users of America and BRLC, The Braille Revival League of California, we will share stories about the lighter side of blindness hosted by Evelyn Drewry who will make a guest appearance with her column "On the Lighter Side" later this year.

The CCB is entering a new phase in its evolution as we elect a new president and a new 1st vice president. The positions of

treasurer and 4 board positions, one an open seat, will be filled; depending on who is elected, other vacancies may also occur. We will also be hiring an executive director later this year. The BC enters a new phase as well as we begin with this issue publishing the braille version using the recently-adopted UEB braille code.

In short, the organization isn't slowing down any time soon and the Blind Californian will be there to record the evolution.

* * *

President's Column: Those Golden Years

by Jeff Thom

I've written quite a few

columns for the BC during

my years as president, but I can't remember any exclusively concerning our senior population. I'd say it is more than about time!

Much has been made about the problems we face in the California Council of the Blind and for that matter the American Council of the Blind because of the graying of our membership. However, as with so many things in this complex world of ours, there are negatives and positives to this trend. Because our membership is increasingly 50 and above, we more closely reflect the majority of persons who are blind or have low vision in that

more than half of those with significant vision impairments are 55 and over. This can be a positive in that it will hopefully energize our organization's attempt to advocate specifically on behalf of seniors who are blind or have low vision.

I could probably write a book about the myriad of problems that seniors with vision impairments face. As an example, changes in federal rehabilitation statutes are creating serious concerns about the ability of state rehabilitation agencies and private providers of specialized services for our senior population to continue rendering even

their current level of services, let alone to meet all the unmet need in this area. In this column, however, I want to focus on services, or more correctly the lack thereof, that our seniors need that are of more general applicability to the senior population. After identifying some of the programs and services that fall far short of meeting the needs of our senior population, I want to explore what we can do in order to begin to address this problem.

Senior centers provide recreation, socialization, and other opportunities for seniors to avoid the isolation that so often plagues this population.

Yet it is the exception, rather than the rule, for senior centers to know how to work with the blind and low vision population that comes through their doors. Increasingly, seniors, including those with vision loss, need housing and homeless assistance. In the case of homeless shelters, rules often militate against serving persons who are blind, and in other cases the biases of those operating these facilities cause them not to want to serve our population. As we age, the likelihood that we will need residential care in a nursing facility or residential care facility for the elderly increases. Whether it is having

access to information on everything from menus to upcoming events, learning to navigate around a facility, or coping with socialization issues that can arise for persons suffering recent vision loss, these and other issues create serious problems for nursing facility residents with vision impairments. Of course we haven't even talked about the health care system, physicians, hospitals, clinics, etc. This is far from a complete list, but you get the point.

So what can we do to address this service gap? Preliminarily, I would note that the aging community is beginning to understand

the need for cross-pollination with the disability community. However, when the aging infrastructure thinks about the disability community and from whom to seek input, they turn to the independent living centers. Most independent living centers do not have the expertise with respect to people with vision loss, and even those who do concentrate on a more disability-wide approach.

As I see it, however, CCB and the larger advocacy community and the network of private specialized service providers for persons with vision impairments can and must play a far more

active role. As a first step, and it will not be an easy one to accomplish, we have a huge educational effort ahead of us. We need to begin to educate legislators and state officials, such as those in the Department of Aging and the Commission on Aging, about the need to better integrate our senior population into the programs that serve all seniors. At the local level, we need to inform county officials and those involved in local area agencies on Aging about our concerns. These area agencies on aging have much to do with the dissemination of local program funds. Often they distribute funds to local

programs and can be excellent resources for the distribution of information. Similarly, we must work with lobbying organizations that represent interests such as nursing facilities, hospitals, and clinics to begin finding ways of disseminating information.

There will, of course, be situations that require more than education. We must be prepared to advocate for change when it is clearly necessary. As just one example, employee training requirements about the needs of our population is an area that cries out for legislative or administrative change.

It is beyond doubt that changing the way that services are provided to seniors to better meet the needs of our blind and low vision population is a truly daunting task. However, the California Council of

the Blind has never shrunk from tackling seemingly impossible challenges, and I feel confident that we will, with our partners in the field, rise to this challenge as well.

*** * ***

National Braille Press Announces Departure
of Publisher Diane Croft, Press Release
National Braille Press

[Editor's Note: How many braille readers who have mostly given up reading hardcopy braille still depend on "Syndicated Columnists Weekly" for quick reading while waiting for or during paratransit and bus rides? Just think of it: seeing how names in the current news are spelled! We have Diane

Croft to thank for that publication and so many other braille projects at National Braille Press. My husband Steve and I had breakfast with Diane at last year's ACB convention. Visiting with her is always one of the highlights of our convention week. Her contributions to the concept

of what should be produced in braille for children and adults have made National Braille Press a cutting edge producer of braille materials at reasonable cost. We can only hope that NBP replaces her with someone with as strong a vision for the future for those of us who read braille. We wish Diane well with her new book and other new endeavors.]

National Braille Press today announced that Publisher Diane Croft will step down in April 2016. After 34 years of service to NBP and to the blindness community, Diane is excited to embark on this next stage in her career, devoting full-time to publishing under a new imprint, Interleaf Press, and

the release of her book on the collective unconscious this summer.

"I consider myself the luckiest person in the world to have had the privilege and honor of working in this community for so many years," said Diane. "At NBP, I work alongside a group of enormously talented, hardworking individuals, who care deeply about braille. Stepping away from what I know and love is hard, but change also brings new energy and creativity."

After receiving her master's degree from Harvard University, Diane was hired by then-NBP President Bill Raeder to oversee NBP's publishing efforts and new

product development. Among her first accomplishments were the launch of the first Children's Braille Book Club, a weekly editorial newspaper, *Syndicated Columnists Weekly*, and the start of NBP's self-help books on access technology. Since then, her commitment to the promotion and advocacy of braille is renowned throughout the world.

The blindness community has recognized Diane for her contributions to the field with numerous awards, including the Dr. Jacob Bolotin Award and the Jacobus tenBroek Award from the National Federation of the Blind, the 1990 Book Award from the President's Committee on Employment of People with

Disabilities, the Uncommon Vision Award, and the Bay State Council of the Blind Outstanding Service Award. She received the *Hands On! Award* from NBP in 2012 for her efforts to promote braille literacy, an award that has also been given to Former First Lady Laura Bush, J.K. Rowling, then Senator John Kerry, and Sabriye Tenberken. Diane is a published author and editor of dozens of publications, including the award-winning biography of the inventor of braille, *Louis Braille: A Touch of Genius*, which has been translated into seven languages.

Brian Mac Donald, President of NBP said, "Diane is a brilliant writer and editor, and

she is loved and admired in this community because she has been a passionate, thoughtful, and caring advocate for the blind and visually impaired. Her creative leadership in supporting braille literacy

programs for children has left a permanent mark in the history of braille."

NBP has established a search committee to identify Diane's successor.

* * *

Governmental Affairs Report

by Mitch Pomerantz

I am writing this a few days after Donna and my return from a most interesting series of ACB-related meetings in Washington, D.C. and capped off by a full and productive day on Capitol Hill advocating for four initiatives (more on those shortly). Before going further, however, let me acknowledge the seven members of our

delegation: Beside Donna and myself, our group included Ardis Bazyn, Vincent Calderon, Charles Nabarrete, Karen Shrawder (our first-timer), and Jeff Thom. Of the 53 members of the California Congressional Delegation we had appointments with 38 as well as with representatives from Senators Boxer and

Feinstein (we dropped off material at the offices of the other 15). Additionally, Ardis was able to meet personally with her congressman, Adam Schiff, while Donna and I spent close to 30 minutes with our representative, Judy Chu.

Three of the four issues we discussed are hold-overs from 2015: H.R. 729, the Medicare Demonstration of Coverage for Low Vision Devices Act of 2015 (Maloney, D-NY and Bilirakis, R-FL); H.R. 3535, The Alice Cogswell and Anne Sullivan Macy Act (Cartwright, D-PA and McKinley, R-WV); and ratification of the

Marrakesh Treaty. The fourth issue, described as a regulatory imperative: Making the Internet Accessible for All, is not legislation, but a call to the House of Representatives for a letter.

Some explanation is in order. Since the Americans with Disabilities Act became law prior to the widespread use of the Internet, no requirement for web accessibility was included in the ADA regulations. As such, businesses with Internet sites have been forced to comply with the ADA through litigation, which routinely raise questions regarding the applicability

of Titles II and III to web accessibility. The Department of Justice (DOJ) has promised that regulatory guidance would be developed for over a decade, and in 2010 issued an Announcement for Notice of Proposed Rule-Making (ANPRM) on Information and Communication Technology (ICT). This past November, however, DOJ announced that it was pushing back release of the Title III proposed regulations until 2018.

In December, Sen. Edward Markey (D-MA) along with other senators, sent a letter to the Office of Management and Budget

(OMB) (which oversees cabinet-level agencies in such matters) calling for an end to the delays and to move forward toward issuing the Notice of Proposed Rule-Making. ACB's message to members of the House was to seek similar advocacy efforts through a letter to OMB calling upon it to move forward with DOJ's ICT rule-making.

Briefly, let me review our other three initiatives before moving on to CCB's legislative agenda.

H.R. 729 would evaluate, through a five-year national demonstration project administered by the

Department of Health and Human Services, the fiscal impact of a permanent change to the Social Security Act to allow reimbursement for certain low-vision devices which are the most function-rich that sustain daily independent living. The devices would be considered "durable medical equipment".

H.R. 3535 would, among its provisions, ensure that every student with vision loss is properly identified regardless of formal disability category or classification so that all such students, including those with additional disabilities, are counted

and properly served; expect states to conduct strategic planning, and commit such planning to writing, to guarantee that all students who are blind or vision impaired within each state receive all specialized instruction and services needed provided by properly trained personnel; and clarify that proper evaluation of such students includes evaluation of their needs for instruction in communication (e.g. Braille instruction and assistive technology proficiency).

The Treaty of Marrakesh would, once ratified by the United States Senate, facilitate access to printed

material for people who are blind or who have other print reading disabilities through a number of provisions designed to protect U.S. copyright holders while making materials available from other nations who are signatories to the Treaty.

Now for a look at CCB's 2016 legislative initiatives. Our efforts are focused on a pair of guide dog related bills which are supported by Guide Dog Users of California (GDUC).

SB 1331 (Pavley) addresses matters within the purview of the State Board of Guide Dogs for the Blind, the regulatory

body overseeing the three licensed guide dog schools here in California. The bill would: 1. require the Board to be comprised of at least three members who are blind or visually impaired who use guide dogs and stipulate that one representative from each of the two major consumer organizations representing Californians who are blind or visually impaired be members of the Board; 2. authorize personnel from a certified guide dog school outside California that previously provided training or instruction to an individual residing in the state to provide follow-up services to that individual for the guide dog for which

training and instruction was originally provided; 3. place those services beyond the jurisdiction of the Board; 4. require the Board to prepare a fact sheet regarding its various functions and to post it on the Board's Internet site; and 5. require a licensed guide dog school to provide copies of the fact sheet to every student receiving training.

AB1824 (Chang) would:

1. strengthen criminal provisions relating to dog attacks on service dogs;
2. delete the requirement that the guide, signal, or service dog be in discharge of its duties

- when the injury or death occurs;
3. make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for such dogs; and
 4. require the defendant convicted of such crimes to make restitution to the victim for medical or medical-related expenses, or for loss of wages as a direct result of the crime.

That will more than do it for this report. Take care and I hope to see many of you this summer at the ACB National Conference

**and Convention in
Minneapolis.**

* * *

Thirteen Reasons Why I Enjoy Being Blind
by Maureen Schulz

[Editor's Note: Maureen is a Bay View Chapter and CLUA member. We invite you to share your favorite "reasons". We'll print a list in a future issue; just send them to me at editor@ccbnet.org.]

1. It gives me immediate access to the unusual, and therefore, more appreciation at times of what is beyond ordinary, in myself and each person.

2. Since I don't drive, I will never have to waste time finding a parking spot, get a ticket, be caught speeding, spend money on maintaining/buying/selling/going into debt over a vehicle, and the price of gasoline will never ever worry me. I never have to say: "I'm not drinking today, I'm driving."

3. I do not ever have to

look at graphics, into mirrors, or at any other visual nonsense.

4. I could spend hours, days, in conversation/contemplation, or listening to music, and love it, and never ever get tired of or distracted from that.

5. I know and appreciate the energy behind people's words, as well as that behind their silence, and I love reading energy in people's voices and in how they talk.

6. I am in great company, as justice, faith, love are, all blind.

7. Blindness is a perfect excuse for anything I don't want to do.

8. Since I am often seen as either a genius or an idiot, I can sneak off and be myself quietly, below the radar, and not be noticed.

9. I can escape into my inner self and not care about anything else.

10. I appreciate that phone and email are great equalizers, no sight required.

11. I often enjoy the company of other blind/partially sighted

people, because I know and appreciate, in detail, the kind of outer and inner work they had to do, to be where they are in life.

12. Should a truly Totalitarian State ever come, I can use Braille

as my medium to say whatever I want to say.

13. I get to thoroughly enjoy myself when I happen to be in a group of sighted people, and all the lights go out.

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Paying it Forward: A Profile of The Greater Los Angeles Chapter

by Susan Glass

"If you want to implement change in the world, then you have to change yourself." (Pam Metz: Immediate Past President of the Greater Los Angeles Chapter of CCB.)

Service learning programs in public schools have an

interesting watchword: students serve in order to learn, and learn in order to serve. That philosophy of reciprocation characterizes the Greater Los Angeles Chapter of CCB from its inception to its present incarnation. Its 27 members are a viable

community presence, rising at 4:30 in the morning one Friday last December to participate in the Spark of Love Toy Drive sponsored by their local channel 7 ACB network, then visiting a nursing home 9 days later to sing Christmas carols with residents there. This coming June, they plan to participate in a drive for nonperishable foods to benefit people who are hungry. "We all need to live up to the pay it forward edict," said Pam Metz. And that philosophy, according to her husband and current chapter President Ken Metz, makes it easier for the chapter to educate the surrounding community

about needs of blind and visually impaired people, such as the need for Audible Traffic Signals for instance.

"ORIGINALLY, the Greater Los Angeles chapter was not a membership organization," says long time member Bob Acosta. "It was called the Educational Organization of the Blind, and it got its start during NFB days. We, its members, got together and wrote a paper for the Los Angeles Unified School District on the adaptations needed by blind and visually impaired students, things like mobility instruction to help them get to their bus stops,

and tape recorders so they could record their classes. Later when we left the NFB, we became the Greater Los Angeles chapter."

Now in 2016, the chapter continues its education, advocacy and service activities. Its members meet on the third Saturday of every month at Corky's Restaurant, an up-scale coffee shop in Sherman Oaks. "Our meetings and programs are interesting," says Steve Bauer, a chapter member for the past 17 years. We've had visits from audio describers at the Mark Taper Forum and the Center Theatre Group. A representative from

Marquez Products for Independent Living comes every couple of years to show off new things and hopefully sell some.

Around election time we have speakers from the League of Women Voters." Steve is also grateful for the monthly legislative reports given by fellow chapter member Andy Baracco.

Every fall the Greater Los Angeles Chapter holds its World Series Food Fest fund-raiser at the BFW Hall in San Fernando Valley. The food is simple: hamburgers, hot dogs and salads donated by chapter members. A local Girl Scout troop volunteers to

help serve people, and later in the year, chapter members repay the scouts by purchasing those scrumptious cookies. Bob Acosta believes that fundraisers should always be for a specific purpose, and his fellow chapter members apparently agree. Money raised from this year's World Series Food Fest will be used to send a chapter member to Sacramento when it's time for CCB members to lobby their legislators.

And what are the strengths of the Greater Los Angeles Chapter?

"It has a solid core of dedicated members who

regularly attend its meetings and activities," says Steve Bauer.

"There's great love in the chapter," offers Bob Acosta. "There's no bickering."

"Our diversity is our strength," says Pam Metz. We have a wide range of member age groups, and ethnic groups too. It's interesting to see how they interact. Two of our chapter members are Black, and one lady and her mom who are members are both Japanese. We have three guide dog users, many cane users, and several visually impaired people who don't use mobility

aides at all. It's interesting to see what we have in common, and how we work together."

Multicultural representation in CCB and ACB are causes close to Pam Metz's heart. For some time now, she has served on the ACB Multicultural Committee. "The diversity of our blindness community needs to reflect the diversity of every group in the United States," she says.

Future challenges for the Greater Los Angeles Chapter are in step with those faced by all of CCB: recruiting and nurturing

members, funding meaningful projects, reflecting the diversity of our surrounding communities, and cultivating good public relations with people and organizations beyond the blindness community.

Says Bob Acosta, current chair of his chapter's membership committee, "It can be a challenge convincing young people to come to a chapter meeting rather than watching the chapter's activities on social media outlets and then conversing with it virtually."

Ken Metz hopes that CCB

will consider more regional conventions to foster more member involvement, and cut down on costs incurred by large state conventions. Regional conventions would allow members more time to ask questions and learn about the organization. He also advocates for a strong mentorship program at the local and state level.

What seems clear is that members of the Greater

Los Angeles chapter believe that a nonprofit, charitable organization exists to serve the surrounding community as well as its own members. At its best, it builds wider relationships for a greater good and a more connected world. Or as Pam Metz puts it, "Your need is my need, and your achievement is my achievement."

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A Tribute to Phil Hatlen

by Joy Efron

[Editor's Note: Mitch Pomerantz sent the following note when he forwarded this tribute.

Joy references JAC which was/is the Joint Action Committee which was a coalition of organizations and agencies of and for the

blind with a particular interest in the education of blind and low vision youth. She also mentions Frances Blend which was Frances Blend School for the Blind, a K through 6 day-school located in Los Angeles. I attended Frances Blend and worked with Dr. Efron on two occasions to keep the school open. Unfortunately, it was finally closed a couple of years ago thanks to the persistence of the special education inclusionists. Joy Efron retired about 10 years ago after having served as Blend's principal and the head of the visually impaired program for the Los Angeles Unified School District.]

A Tribute to Phil Hatlen (1934-2016)

Phil Hatlen was a hero. Beyond any doubt, he was a giant in the field of blindness: a leader, mentor, guru, tireless advocate, innovative educator, professor, author, administrator, speaker/presenter, colleague and friend.

Half a century ago (in 1964), my husband and I were driving from Michigan to relocate in Los Angeles. I had just left my teaching position at the Michigan School for the Blind and was on my way to become a teacher at Frances Blend

School. Along the way, we stopped to visit the California School for the Blind, at that time, located in Berkeley. There we met the impressive principal (later to become superintendent), Phil Hatlen, and spent a wonderful day touring the school. This was the start of my privilege of knowing and working with Phil on various important projects.

(This tribute is not complete. I am not mentioning names of others who worked closely with him on some of these projects. Nobody—even Phil!—accomplishes great things alone. My memory might not be 100% correct

regarding some of the dates I mention. And, I am not listing all of his accomplishments.)

Students of Phil, when he was professor of VI teacher training at San Francisco State University, have been deeply influenced by his lessons. He taught them that every student is different, that individual needs must be assessed and addressed. He stressed the fact that a “cookie cutter approach” does not work.

First, a little history.

For decades, California had a law referred to, in the VI field, as “910 money”.

This law allocated \$910 per legally blind student in California for braille and large print books and materials. Some of those funds could be used for hiring braille transcribers. (It did not allow any of the funds to be spent for low vision students who were not legally blind.)

In the late 1970's, a "one size fits all" model was sweeping the state and the legislature, along with the concept of block funding. Suddenly, the "910 money" legislation was rescinded. School districts could decide how to spend their funds and were not required to spend it on blind students, leaving

ZERO allocated specifically for specialized instructional materials.

To advocate for the needs of blind and visually impaired students in California, LATVI (Leadership Action Team for the Visually Impaired) was formed in the 1970's, and I was privileged to work with Phil and other strong, dedicated people.

LATVI had many successes, but was unable to restore funding for specialized materials. To try to rectify this situation, Phil and a small group created the concept of "low incidence", broadening the needs of

blind and visually impaired students to embrace and include those with hearing disabilities and severe orthopedic impairments. Each of these categories requires highly specialized equipment. LIDAC (Low Incidence Disabilities Advisory Committee) was created. This coalition, representing and advocating for these three groups of students to the California Department of Education and the California Legislature, consisted of professionals, parents and advocates. In my experience, it was the first time these three groups joined to work together.

The low incidence concept/category was soon to be followed by low incidence funding and laws recognizing unique needs of each of these populations. This California effort of advocacy for students with low incidence disabilities spread to other states and finally to federal legislation.

In addition to LIDAC, the Joint Action Committee (JAC) of Agencies and Organizations of and for the Blind and Visually Impaired was taking an active role. A leader in both of these organizations was, of course, Phil Hatlen.

Phil also founded the Living Skills Center (1972) in San Pablo, California (now called the Hatlen Center) to provide transition/independent living/skills training to young blind adults. Additionally, he served as Executive Director of the California Blind Babies Foundation for 10 years. There were many national organizations and endeavors, too many to list here, where Phil was the president or leader. Everyone who worked with Phil felt respected, valued, and developed deep and meaningful friendships. When Phil left California in

1990 to become the Superintendent of the Texas School for the Blind and Visually Impaired, many of us were devastated. However, Phil continued his outstanding leadership in Texas as well as making crucial national changes.

He expanded JAC to co-chair the National Agenda for the Education of Blind and Visually Impaired, including those with Multiple Disabilities. (I was again fortunate to work with Phil and the initial committee at the beginning of this project.) This resulted in a nation-wide call to action to improve assessment, education and

curriculum for students with visual impairments. This project clarified the needs of students for disability-specific skills for access to education and curriculum. The Expanded Core Curriculum, of which Phil is considered “the father”, has resulted in recognition of needs and legislation throughout the U.S. and in many parts of the world.

The National Agenda was embraced by agencies and organizations of and for the blind. Major goal areas, which were described in detail, include: timely referral, parent participation, personnel preparation, caseload

determination, array of services, including a full array of placement options, assessment, access to instructional materials, and the expanded core curriculum.

The Expanded Core Curriculum is recognized nationally. But this was not enough. Assessment, materials and curriculum activities needed to be developed to implement the ECC. That became, under Phil’s leadership, a stellar accomplishment in Texas.

Phil often spoke of the “opportunity to be equal and the right to be different”, leading to

accommodations and accessibility. He also was a strong fighter for an array of placement options, including special schools for the blind, with placement determined by an assessment based on student needs and an informed team, including the parents. Education needs to be a “success experience” and placement needs differ from student to student and from time to time.

He stated that educators of the blind cannot be apolitical. Blindness is such a low incidence disability and most educational and legislative decision makers simply

don't understand and need to be informed about the specific needs of this population. Several times, when Frances Blend was threatened with closure, Phil was an extremely strong advocate.

Phil received too many awards to mention here, but of great significance is that of his 2012 Induction into the Hall of Fame of Leaders and Legends in the Blindness Field.

I join multitudes of professionals, parents and consumers in the blindness field in expressing deep appreciation as well as sadness.

For additional information, I recommend the following:

1. **Talk with Ruth Friedman.** Ruth was a student of Phil's at San Francisco State University and can share with you her memories of him as professor in the teacher training program.
2. **Expanded core curriculum:**
<http://www.afb.org/info/programs-and-services/professional-development/teachers/expanded-core-curriculum/the-right-to-be-different/12345>
3. **Induction into the Hall of Fame of Leaders and Legends in the Blindness Field, 2012:**
<http://www.aph.org/hall/inductees/hatlen/>
4. **Interview upon retirement in 2007 from TSBVI by Eric Sheline:**
<https://www.youtube.com/watch?v=gXU5ydP96h0>
5. **Tributes on the Texas School for the Blind and Visually Impaired website:**
<http://www.tsbvi.edu/>
6. **“Responsible Inclusion Belongs in an Array of Placement Options”:** (I cannot find the source of this wonderful article by Phil, but can forward a copy to anyone who wishes to read it.)

7. You might want to Google for further information.

**Sincerely,
Joy R. Efron**

Retired principal, Frances Blend School, and coordinator, LAUSD Visually Impaired Program (1982-2004).

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Summaries of Minutes of CCB Board of Directors Meetings

by Ardis Bazyn, Secretary, California Council of the Blind

October 4, 2015

Jeff brought the October 4, 2015 Fall Convention Board Meeting to order.

Roll Call: President Jeff Thom, 1st Vice-President Eugene Lozano Jr., 2nd Vice-President Judy Wilkinson, Secretary Ardis Bazyn, Treasurer Peter

Pardini, Immediate Past President Donna Pomerantz. Directors: Vincent Calderon, Paul Patche Jr., Frank Welte, Steve Fort, Pam Metz, Charles Nabarrete, Robert Wendt, and Joe Lopez. The only absent Director was Leena Bandy.

Jeff read the board

meeting agenda and one agenda item was added. Jeff asked Charles Nabarrete to lead the exploration of a Capitol day in the spring.

Jeff read the June 30, 2015 minutes. Frank Welte made a motion to accept the June 30 minutes as read. Several seconded the motion and it passed. Abstentions were Ardis Bazyn, Robert Wendt, and Pam Metz.

Mitch Pomerantz gave the Newel Perry report: \$245,805.52. Mitch said the members of this committee are Richard Rueda, Margaret Buchmann-Garcia, and Mitch

Pomerantz. Judy made a motion to accept the report, Donna seconded the motion, and it passed.

Gene gave a 2016 convention update. Since this is a casino hotel, no hospitality room will be allowed. Peter suggested the board consider a meal subsidy in the spring to make sure more attend the functions so we won't incur a penalty.

The next agenda item discussed was the requested meeting with the AMC president Lillian Scaife. She spoke about her concern about the revocation of its charter. She referenced the

Constitution portion about needing 10 members stating there has always been 10 members. Several board members felt this was not valid because not all officer information sheets and rosters were provided each year or complete when provided. Many board members mentioned their concern about past practices. Vince made a motion for AMC to supply the information required for all affiliates and chapters to CCB by November 15 including roster, officer information sheet, current Constitution, and dues check; and the board should review the submitted documents by December 15 to make sure

they would be in compliance. Peter seconded the motion. Peter and Gene added that both the roster and officer information sheet should comply with all relevant Constitution and Bylaw amendments in article 8. It was mentioned that any dues check received will not be cashed until a final decision is made on compliance. The motion passed on roll call vote 10-3.

Frank made a motion to suspend the charter for the San Mateo Chapter since it hasn't submitted credentials for more than 2 years. Judy Wilkinson seconded the motion. The

**motion passed
unanimously.**

Jeff asked for reports from the four goal groups. Jeff appointed the new chair of goal 1 on fundraising, Frank Welte. Goal 2 executive committee proposed an executive director document position statement be sent to the board for review. Linda Porelle submitted her goal 3 report in advance. She asked for this group to be reconstituted. Ardis gave the goal 4 report. As this committee is working on how to proceed after moving to one convention, four suggestions were made. A grant proposal should be written to get

more chapters represented at conventions. A new voice mail system was purchased which was one request. Another strategy was to have reports from chapters in the publication each year which Susan Glass has been providing. The Resolutions Committee would be asked how the new structure is working after this last convention. Donna made a motion to accept the goal group reports. Vince seconded the motion and it passed.

Jeff said the website initiative with a mediator is moving forward and a report will be provided when it's completed. Judy

gave the Publications Committee report. She said the audio version [of the BC] couldn't be recorded unless a new system was purchased. Synthetic speech might be one option. The Publications Committee has changed formatting to allow more articles. Susan Glass is now assistant editor. The Publications Committee is streamlining the magazine awards process. She gave the publication counts and costs. She said the summer issue cost for all issues was: \$2,264. NFB-Newsline® is one option for those to listen to the audio for now. There will be a conference call on November 11 for those

currently using the cassette version. Ardis suggested calling Horizons for the Blind as an option to produce the cassette version. Frank made a motion to accept the Publications Committee report. Pam seconded the motion and it passed.

Jeff asked for board members to volunteer to provide a board handbook of information. Three board members agreed to do this. Judy will Chair, Pam will be the new board member, and Frank will be on this committee. Jeff asked for board volunteers to be personal mentors for new board members. He asked those willing to contact

him offline. Jeff will send the board documents for signing: Confidentiality, Conflict of Interest, and Board Expectations to new board members. Jeff asked if there were Mutt Strut questions. Sacramento had 98 registrants this year, 105 last year. Members were requested to attend the L.A. Mutt Strut, buy raffle tickets, or donate to fundraising pages.

The phone message boxes on the phone system have limits of only 5 minutes.

Judy asked for timely dissemination of the minutes, only correctly approved with attachments imbedded. Judy suggested

the Publications committee bring forth a recommendation on how this should be done.

Public comments were next. Jeff thanked the AV personnel for handling the mics. Christy Crespin mentioned concern about programming occurring at the same time. Pam Polagi mentioned her concern about the number of rings before the phone mail boxes answer.

Peter gave the treasurer's report. Vince made a motion to accept the treasurer's report. The motion was seconded by Ardis and it passed.

Several board members made a motion to adjourn with more board members seconding the motion. The motion passed. The meeting ended at 3:45 PM.

**CCB Conference Call
Board of Directors Meeting
Minutes Summary, October
26, 2015**

Jeff Thom brought the October 26 conference call board meeting to order at 7:05 PM. Ardis Bazyn called the roll. Joe Lopez was the only one absent.

Gene Lozano made a motion to move into executive session. Peter seconded the motion. It passed unanimously. Legal

matters were discussed.

Judy made a motion that we let DRA know we are interested in entering into a lawsuit. Gene seconded the motion. The motion passed with one abstention Frank Welte. Ardis made a motion to leave executive session. Judy seconded the motion, and the motion passed unanimously.

Peter gave an update on the 2014 audit. The 2015 audit is scheduled for the week of June 2, 2016. Ardis made a motion to adjourn the meeting. Peter seconded the motion and it passed. The meeting ended at approximately 8:45 PM.

**CCB Board of Directors
Conference Call Minutes
Summary, December 29,
2015**

Jeff Thom brought the conference call board meeting to order at 7:10 PM on December 29. Ardis Bazyn called the roll. Joe Lopez was absent. Jeff Thom outlined the brief agenda. Besides personnel matters, adoption of an executive director position description was discussed. Donna Pomerantz made a motion to go into executive session. The motion was seconded by Peter Pardini and passed unanimously. The board agreed in

consensus to add the following phrase to the bullet point starting with general knowledge, e.g. Microsoft Office Suite and access technology. Examples include Word, Excel, and Power Point." Judy made a motion to adopt the job description with the additions to the bullet point and the one Mitch sent before the call. Donna seconded the motion. The motion passed. Donna made a motion to leave the executive session. Leena seconded the motion and it passed. The meeting adjourned at 8:45 PM.

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Testing Limits on the American River

by Alice McGrath

[Editor's Note: Alice McGrath is no stranger to the BC. We have seen her convention reports (as a member of the Silicon Valley Chapter) and her article "The Best And Brightest Stars at The National Braille Challenge" appeared in the Fall, 2013 BC, as well as a brief article on the CCB Women's Group, BC Summer 2014.]

We were poised for entering our first Class Two rapid on the American River in our bright red, inflatable kayak, and my heart was pounding as I listened to the commands,

from Dian, my sighted kayaking partner. Since I am almost totally blind, all I could do is hear the sound of the rapids as they cascaded over the rocks and feel the water splashing my face. I focused all my attention on what Diane was telling me to do: paddle left, paddle right, paddle hard! When we managed to get through the rapid without mishaps, my first thought was, "Yikes, how many more rapids do I have to go through before this day is done?"

Testing limits as a blind or low vision person can

happen daily in small and momentous ways. On this amazing day in late October, I was with my significant other, Rob Turner, who was partnered in an inflatable kayak with his brother Doug. Rob is also totally blind, and he has been sea kayaking with our friend Diane for a few years. This was also his first experience river kayaking with his novice brother, and we were led by a river guide in her own hard-shell kayak. The temperature was a warm 82 degrees, and the smells of the river were wonderfully complex; river water, moss, and that crunchy carpet of autumn leaves.

Our guide taught us the fundamentals and talked the sighted kayakers through the rapids before we entered each rapid. One odd thing about listening to a rapid and not being able to see it is they all sound huge. The irony is that smaller rapids can sound louder than the bigger ones simply due to the shallow depth of the water.

Outdoor life is a valued part of my existence. I enjoy camping, hiking and being surrounded by the sounds and smells of nature. I also enjoy testing my personal limits and fears. Our foursome has camped and white water rafted with a guide in the past and

moving to the inflatable kayak was a natural next step. On our first white water rafting trip a few years back, I was thrown into the river and then promptly plucked up by the guide back into the raft sputtering and shivering. I knew I did not want to repeat that experience, and in retrospect, that fear became a block for enjoyment. In the kayak, after we managed to travel through each rapid without mishap, I first felt relieved, then a little jubilant and finally was vigilantly and tensely awaiting the next rapid.

After the day was completed, I reflected on

the myriad of emotions and thoughts that cascaded through my mind. Even before losing my vision, I would describe myself as someone who tested personal limits. Losing vision defined these limits in very different ways. Crossing busy intersections during early orientation and mobility lessons had my heart pounding as much as moving through the rapids of the American River. Once I became more proficient in my travel skills, other “firsts” pushed me to become the confident person I am today, a woman who happens to be blind.

But what about future white water kayak trips?

For now, I want to pursue sea kayaking rather than the fear and complexity of managing through a river. We are planning a kayak trip to Angel Island, and even if I end up in the sea, I will not be battling boulders. I know that

every day brings opportunities for me to test my limits and expand my comfort zone. I also know that enjoying the great outdoors is more of a priority, and although I am glad I tested myself, I have nothing to prove, as every day will bring plenty of new challenges.

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An Interview with Former BC Editor

Mike Keithley

by Susan Glass

Ever since 2005 when I first joined CCB, I've enjoyed reading anything that Mike Keithley writes or edits. Whether it's his Membership column in our SVCB newsletter wherein

he sometimes banters playfully with the ghost of his deceased guide dog King, or his occasional World According To Me column, he wins reader attention with his warmth

and his contagious sense of humor. He's also current editor of *The Braille Writer*, and he does a pretty fine job of editing and formatting large print publications as well. I caught up with him for a phone interview early this week.

SG: How did you become editor of the BC? (Who was editor before you?)

MK: Winifred Downing edited the BC before I did. When we first began working together, she gave me a couple of articles on which to practice my editing. I edited a lot, and she said, "That's good, but don't change people's

meaning. And watch out for comma shakers." She was fun to work with.

SG: The BC is now 60 years old. How has it evolved in your experience?

MK: I can't say that I regularly read BC issues before Winifred's editorship. Comparing my tenure and Judy Wilkinson's tenure, the current BC is evolving into something that is not too entertaining, and too narrow in scope. But this is not Judy's fault at all. The problem is that our finances for the magazine are poor, and we've had to shrink it drastically. Its

content these days tends toward information (legislative reports, minutes) articles like that.

SG: What are you most proud of during your time as editor?

MK: While I was editor, we published a 4 part article by Rick Boggs, the founder and General Manager of Audio Eyes. His company has blind voice over talent, audio describers and engineers, and they do live and recorded audio description. His articles talked about how to break into the profession. Also while I was editor, Sylvia Lopez wrote a cooking column, and that was fun.

And Debbie Norling Armstrong wrote about how easy it was to find cooking supplies in stores. She did other articles on shopping too. I loved Evelyn Drewry's "On the Lighter Side" Column. And I enjoyed writing short technology articles. Those are now Tech Tidbits in our Silicon Valley newsletter.

SG: What thoughts do you have about the future of the BC?

MK: Devote one issue per year to new writing. Don't put minutes or reports or anything like that in the issue unless there's something urgent. Let the issue have lifestyle

articles, humor pieces, anything creative, and as many contributors as we

can get.

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Technology Access Rights of State and Local Government Employees with Disabilities Part I
by Steven Mendelsohn

[Editor's Note: How often have we heard the term "undue hardship" in regards to employer's reasons for failing to make reasonable accommodations for their employees? How repeatedly are we reminded that if only universal design principles would be applied, we could keep technology costs down? A recent court decision speaks to these important issues.

This article is adapted with permission from the author. Steven Mendelsohn's forthcoming book, "People with Disabilities and Employment Law" will be available later this year. The second part of this article will appear in the Summer BC.]

Jury trials are rare in this country. Most cases, including most disability rights cases, are resolved without them. But a recent

federal district court jury verdict February 26, 2016 in Reyazuddin' v. Montgomery County, MD may take its place as one of the most important civil rights verdicts ever reached.

The case asks whether it is a denial of reasonable accommodations for a public-sector employer to refuse to make workplace technology accessible to an employee who is blind. Although the facts of each case are crucial, the Reyazuddin case stands for the proposition that denial of accessibility to the technology needed to perform one's job can be a form of employment

discrimination.

To understand the significance of the decision, its long history must be reviewed. Last month's verdict was the culmination of a 5 year struggle that began with a decision in favor of the employer by the federal district court, then proceeded to reversal of that decision by the appeals court, followed by the trial ordered by that appeals court.

Montgomery County, MD decided to consolidate the customer service functions of various agencies into one centralized call center, to be known as MC 311.

The county did not consider accessibility in the procurement of technology for MC 311 and had never asked any of the bidders about the accessibility of their products. Long after all the key procurement, design and budgetary decisions had been made, the county discovered that among the workers it planned to transfer to the new call center was an employee who was blind. The county also discovered that the new system was inaccessible to her. After the failure, under disputed circumstances, of attempts to reasonably-accommodate Reyazuddin by transferring her to

another job (where the MC 311 system would not be used) she filed suit under Sec. 504 of the Federal Rehabilitation Act, alleging discrimination by an entity receiving "federal financial assistance" (namely the county government). Virtually all state and local governments receive federal financial assistance, so are subject to the nondiscrimination requirements of Sec. 504. Reyazuddin also filed suit under Title II of the Americans with Disabilities Act (the ADA) (which covers the activities of state and local governments).

The First Court Decision

The district court granted summary judgment to the defendant (the county), thus dismissing Reyazuddin's complaint without a trial. In reaching its decision, the district court ruled, among other things, that requiring the MC 311 system to be made accessible would constitute an "undue hardship" to the county "as a matter of law." Undue hardship (usually but not solely defined in financial terms) is one defense available to employers in disability discrimination cases. If an accommodation would constitute an undue hardship, the employer is

excused from the obligation to provide it.

The district court's decision, and perhaps even more the reasoning underlying it, provoked outrage and anxiety among people with disabilities and advocates. A vigorous appeal was filed and in June, 2015, the US Court of Appeals for the Fourth Circuit reversed key portions of the district court decision and sent the case back to that court for a trial on the key legal and factual issues.

The Appeals Court Findings

The appeals court found in

Reyazuddin's favor on her Sec. 504 claim. The district court had been wrong to dismiss that claim and it was reinstated. But the appeals court affirmed the district court's dismissal of Reyazuddin's ADA claim, so the ADA was out of the case.

Before discussing Reyazuddin's successful Sec. 504 claim, it is important to explain why her ADA claim failed. Reyazuddin had brought her ADA claim under the wrong part of the ADA. She filed suit under Title II of the ADA (which covers the activities of state and local governments). The appeals court ruled that

Title I of the ADA (covering employment discrimination) was the part of the law Reyazuddin should have used. The court does not opine on what the outcome might have been if Reyazuddin had used Title I, but the likelihood is that she would have won. This matters because with private sector or nonprofit employers (unless they are receiving federal financial assistance) Sec. 504 will not be available. In any event, Sec. 504 still got Reyazuddin where she needed to go.

The Sec. 504 Claim

The appeals court ruled

that the **Sec. 504 claim** should be reinstated and allowed to go to trial on whether Reyazuddin could perform the essential job functions of a call center employee, whether the County reasonably accommodated her, and if the County did not, whether its failure could be excused under the defense of undue hardship. These were the questions raised by the evidence and it had been wrong for the trial court to decide them summarily. These were the issues framing the jury trial that took place last month.

The appeals court's opinion did give the trial court considerable

guidance on how these key issues should be approached, and on how the evidence should be evaluated.

The Appeals Court's Guidance

The appellate court's narration of the history of the case gives us a detailed look into its thinking that would guide the district court later. It recounted the history of the procurement of the MC 311 software, including the fact that it can be operated in two different modes. According to the testimony, the "high-interactivity" mode is not accessible because using

a "technology that screen reader software cannot interpret." The court then went on to briefly explain what screen-reader technology does.

"Standard interactivity mode" is accessible because "written in standard HTML and JavaScript, which are compatible with screen reader software." The county's license allowed running the software in either mode, but the county chose to deploy it in the first mode only. By the time, 11 months after procuring its license, the county got around to asking Oracle about accessibility, the company estimated that it would

cost \$200,000 to make the Siebel software accessible through standard- interactivity mode, and even then three features would not be. Over the next year, the county received steadily rising cost estimates of accessibility from the subcontractor hired by Oracle to configure the system.

In October, 2009 Reyazuddin's unit was transferred to the new call center, but because of its inaccessibility, not Reyazuddin. Instead she was assigned and reassigned to units that had not yet been integrated into MC 311. Though still

employed fulltime, there was little work for her to do, and email among various supervisors expressed concern about the "make-work" nature of her position. In October 2011, Reyazuddin was informed that she would not be transferred to MC 311, as she still hoped and expected, and that it would not be made accessible because it was "too expensive for the County to make the software accessible."

Reyazuddin suggested two possible accessibility fixes (two reasonable accommodations that would allow her to perform the essential job functions

of an MC 311 employee). The county rejected both options, contending that its decision to configure the system in the high-interactivity mode only was necessary to promote worker efficiency while keeping costs as low as possible. In rejecting this defense, the court noted the county had presented no evidence about worker productivity while working in the high-interactivity mode. Thus, its claims were speculative. Nor could the court accept the claim that using the high-interactivity mode was an "essential job function," especially in light of Reyazuddin's evidence about other call centers operating without it.

In reaching its decision, the district court had never addressed the reasonableness of Reyazuddin's proposed accommodations. Instead it had limited its reasonable accommodations analysis to the finding that the county had met its obligations by offering Reyazuddin alternative employment. However, the district court had never considered whether that alternative employment was "equivalent" to Reyazuddin's former job.

Reasonable

Accommodations

In deciding that the

reassignment was a reasonable accommodation, the district court had taken upon itself to decide a key factual question that, without evidence, it had no right to decide at the summary judgment stage of the case. Although the law grants employers wide latitude in deciding which reasonable accommodation to provide when more than one is available, the appeals court emphasized that for an accommodation to be reasonable it "should provide a meaningful equal employment opportunity. Meaningful equal employment opportunity means an opportunity to attain the same level of

performance as is available to nondisabled employees having similar skills and abilities.”

Here, although Reyazuddin kept her same salary, "the County cobbled together an assortment of make-work tasks that did not amount to full-time employment."

In the county's view, reassignment was enough to meet its reasonable accommodations obligations. But the appeals court understood that make-work reassignments wouldn't

do, even if pay and benefits were left unchanged. The appeals court understood that if cutting wages or benefits were the only test, employers might find it expedient to absorb the salary of a marginalized employee rather than make technological or procedural changes in the workplace.

That is why the articulation by this Reyazuddin court of the "meaningful equal employment opportunity" standard for evaluating reassignments is so important.

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California Council of the Blind
Officers and Board

[Editor's note: We are indebted to Bernice Kandarian who updates and corrects the list of CCB officers and board members, including the number of the term each is presently serving, the year elected to that term and the year next up for election. Terms begin on July 1 following election. The presence of an asterisk means that the individual served a partial term before the first full term.]

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**Secretary, Ardis Bazyn, Burbank (15-17) 1st term)
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"I give, devise, and bequeath unto the California Council of the Blind, a nonprofit charitable organization in California, the sum of \$ ____ (or ____) to be used for its worthy purposes on behalf of blind persons."

If your wishes are more complex, you may have your attorney communicate with the Executive Office for other suggested forms. Thank you.