

LOS ANGELES UNIFIED SCHOOL DISTRICT



SELF-EVALUATION AND TRANSITION PLAN

UNDER THE AMERICANS WITH DISABILITIES ACT



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EXECUTIVE SUMMARY

This self-evaluation and transition plan is intended to ensure that people with disabilities – including students, parents, and the public – have an equal opportunity to access the multitude of programs and activities offered by the Los Angeles Unified School District. The District sought comment from the public – including students, teachers, parents, and others – until July 7, 2017, about its overall approach to providing program access in its school facilities, the details of the plan, and the timing of the proposed actions.

Both Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 impose broad-reaching prohibitions against discrimination on the basis of disability. As to facilities, a key requirement of both the ADA and Section 504 is program accessibility: programs, benefits, services, and activities provided by public entities must be accessible to people with disabilities. This means that a qualified individual with a disability is not to be discriminated against because the entity's facilities are inaccessible. This does not necessarily mean that all facilities must be accessible. While both laws do require that newly constructed and altered facilities meet stringent accessibility requirements, they do not require that all existing facilities meet those standards, so long as the programs and services provided in those facilities are made accessible to people with disabilities. A program or service can be made accessible by relocating it, providing it in a different manner, or utilizing some other strategy to ensure that people with disabilities have an equal opportunity to benefit from the entity's programs and activities.

People with a variety of disabilities can be impacted by inaccessible facilities. Most obviously, a student who uses a wheelchair or mobility scooter will not be able to access programs on the second floor of a building if that floor can be reached only by stairs. A volunteer who uses a walker may literally be tripped up by cracks in a sidewalk or other uneven surfaces that are not even noticeable to others. A blind student may be injured by an object that protrudes from a wall, such as a wall-mounted television monitor, that is not within the area that her cane detects, or may not be able to find her way around the campus without directional signage or room information signage that has raised letters or Braille. A student who is deaf will not know that an emergency alarm is sounding if he is alone in a restroom, library, or classroom and there are no visual alarms. A student with a disability that affects endurance or stability may be prevented from using restrooms at a facility if they are located so far apart that he cannot navigate to them between classes in crowded hallways. A grandparent with a mobility disability or strength limitations may not be able to open doors that are heavier than allowed by accessibility standards or that do not have lever hardware.

A public entity is required by the ADA regulations to examine its policies and procedures in order to determine whether any of them – or the effects of them – may result in discrimination against people with disabilities. When physical barriers must be removed to provide program access, the entity must create a transition plan to describe those barriers, as well as how and when they will be removed. This document addresses those responsibilities, as well as changes to policies and procedures necessary to support the effort.

There is no one “correct” and agreed-upon approach to program access, and a public entity like LAUSD has the flexibility to determine an approach that will be effective in the context of its circumstances and particular programs. The District has chosen a three-part approach that it considers to be reasonable

and effective, in light of the needs of its students, parents, and the community as well as three characteristics of the school system:

Its immense size (as the second largest school district in the nation),

Its aging facilities and multi-building campuses, and

The number and variety of its educational programs, including broad-ranging school choice programs.

The District's approach is consistent with the requirements of the ADA and Section 504, LAUSD's commitment to equity, and its belief that all students should have access to high-quality schools, innovative programs, and necessary supports.¹ It is also consistent with the commitments in the 2003 modified consent decree as to facilities in the case of Chanda Smith v. Los Angeles Unified School District.

There are three critical components to the plan:

- 1) **Facility improvements:** Assigning each school to a category reflecting one of three levels of access, conducting detailed facility and program surveys, identifying betterments to be made at each facility, and making those improvements

Operational solutions: Effectively reassigning programs and activities to accessible locations when necessary, or quickly making necessary changes to inaccessible facilities as needed for individuals

Policies and training: Implementing supportive policies, procedures, and training

In furthering the first component, LAUSD is assigning each of its 742 campuses (some of which contain multiple schools) to one of three categories, representing three levels of accessibility. Designations are made based on several factors, including feeder schools/clusters; geographic distribution; nature of programs offered; use of school space for emergency sheltering, voting, or other community activities; and high public use.

Category One: These are "key" schools and will have the highest level of access, generally in accordance with applicable physical accessibility standards.

Category Two: These will be "program-accessible" schools. The core spaces and features of these schools would be made accessible; in addition, program accessibility would be provided to all programs and activities at the school.

Category Three: These schools will have "core access," which means that the core spaces (certain common spaces) would be made accessible, to ensure a basic level of access to the building. These include, for example, parking, the main entrance and main office, assembly areas, and some restrooms.

For Category Two and Three schools, accessibility would be provided on an as-needed basis to specific classrooms and other spaces that are not slated to be made accessible, through the Rapid Access

¹ LAUSD 2016-2019 Strategic Plan, http://achieve.lausd.net/site/handlers/filedownload.ashx?moduleinstanceid=754&dataid=591&FileName=LAUSD_Strategic%20Plan16-17_vr19F.pdf (last visited May 14, 2017).

Program (which generally fulfills rapid and minor requests for additional accessibility improvements such as modular ramps) or other means; or programs usually carried out in inaccessible spaces would be moved to accessible locations.

The corrective work to facilities will be carried out in three phases:

Phase One (2018 to 2025): Modifications at about one third of the facilities (235) will be carried out.

Phase Two (beginning no later than 2025): Modifications at the remaining schools will be planned and completed. The District's goal is that after Phase Two, 22% of all of its schools will meet the criteria of Category One, 50% will meet the criteria of Category Two, and 10.2% will meet the criteria of Category Three.

Phase Three: Improvements will continue until approximately 90-95% of all schools are brought up to the criteria of Categories One or Two.



The District plans to ensure program access at the end of Phase One, with schools in each category distributed geographically throughout the District and with the ability to implement operational solutions to access when necessary, based on the policies and procedures in place. Because not all facilities and spaces are required to be accessible, in some instances the District will ensure that individual programs and activities are made accessible by reassigning them to accessible locations, so that all students can access programs for which they are eligible – whether those programs are in their geographic area or part of the school choice program. Several policies and procedures to support those operational methods will be put in place as a critical piece of this commitment; and teachers, administrators, facilities staff, and others will undergo training about the policies.

Phase Two will ensure a larger stock of accessible facilities. The District's goal is to increase the number of accessible schools and decrease reliance on operational solutions, resulting in enhanced program accessibility.

Phase Three will lead to continued improvements. The District intends that eventually approximately 90-95% of the schools will at least meet the criteria of Category Two. As more facilities are made accessible, reliance on policies and procedures for making operational adjustments will decrease even more, resulting in more universal and readily available facilities and programs, with almost seamless access. It is the District's goal that in the long term, its facilities and programs will be readily accessible and available when a student, parent/guardian, or community member with a disability arrives at one of its facilities, whether or not that individual's presence was anticipated.

Based on the factors listed above, information gathered about programs offered at the schools, and high-level surveys of each school's basic features, the District has identified the physical changes to be made during Phase One in each category. These designations will be subject to modification due to changed conditions, public input, introductions to or changes in curriculum or choice programs, and other factors. To proceed otherwise would remove the District's ability to innovate and respond to these changes, unanticipated demands, the needs of students and the community, and fluctuations in population. The District expects to review its efforts in 2024 in planning for Phase Two, to assess its experience and to possibly re-evaluate the approach, criteria, and category designations. The District will issue a draft updated transition plan for that phase, and seek public comment.

The District has been proceeding since late 2014 with several components of the plan based on internal draft plans, including program assessments of each school, high-level surveys of all schools, in-depth surveys of some, and modifications to some.

The District looks forward to receiving further public input on this important project and ongoing effort. The attachments to this document and specific plans for remediation at each school for Phase One are available at the LAUSD Central District headquarters and at designated locations in each local district. They are also posted on the District's website at <http://www.lausd.net>. The District sought public feedback and comment on the plan through July 7, 2017. Information about where to review specific documents and how to comment is in Section V.C. below.

The Los Angeles Unified School District anticipates continued improvement and enhanced accessibility of its schools and programs through the dedication and engagement of numerous offices within the District as well as administrators and staff of individual schools. With its ongoing commitment to the principles of the ADA and Section 504, the District will be prepared to achieve its goal of equal access and inclusive high-quality services for people with disabilities.

I. Introduction

Title II of the Americans with Disabilities Act of 1990 (ADA)² intends to ensure that people with physical and mental disabilities are able to participate in and enjoy the benefits of the services and activities of state and local governments (such as those of public school districts) without experiencing discrimination. It extends the prohibitions on discrimination found in Section 504 of the Rehabilitation Act of 1973, as amended,³ as to federally assisted programs, to all the programs of state and local governments. Generally, both statutes require a covered entity to make reasonable changes to policies, ensure effective communication with people with disabilities, and provide physical access to buildings and facilities, with the goal of ensuring meaningful access to all of its services and offerings. Both were designed by Congress to rely on more specific regulations to further define the laws' requirements.

Toward that end, the implementing regulations of the Department of Justice (DOJ) under Title II of the ADA and the Department of Education (ED or Education) under Section 504 (for recipients of funding from Education, such as school districts like LAUSD), require each covered entity to conduct a self-evaluation of its services, policies, and practices to determine whether any modifications are required to comply with the regulations. Where shortfalls are uncovered, the regulations require that steps be taken to bring the programs into compliance and improve accessibility and that those steps be documented. If physical changes are needed to ensure "program accessibility," an entity with 50 or more employees is required to develop a transition plan setting forth the steps necessary to complete the changes.

This document is the District's self-evaluation as to program accessibility in existing facilities and its resulting transition plan. Based on surveys of each facility and LAUSD programs, it provides the factual basis for determining what changes – physical or operational – need to be made at each location to ensure program access. Later efforts will evaluate other aspects of LAUSD's policies, practices, and procedures.

This document is also intended in part to facilitate the District's disengagement from certain facility-related provisions of the Modified Consent Decree (MCD, or decree, or agreement) in Chanda Smith v. Los Angeles Unified School District, a federal class action filed in 1993. See Section IV below, Modified Consent Decree.

This approach and document have been developed with the guidance of the District's ADA consultant, Irene Bowen. Ms. Bowen is President and founder of ADA One, LLC, established in 2009 to advise public and private entities on compliance with the ADA and related laws. Since then, her firm has worked with large and small public and private entities, including the City of Chicago, Mankato State University, Fulton County (Georgia), the States of Maryland and Texas, the City of Seattle, and a federal agency. Her firm teams with architectural firms and others in assisting entities with self-evaluations and transition plans, and development of cost-effective approaches to compliance. She speaks and presents regularly on topics such as program access, self-evaluations, and transition plans. Her firm has authored six ADA guides.

² 42 U.S.C. §§ 12101-12213, <http://www.ada.gov/pubs/adastatute08.htm>. All links were last accessed May 14, 2017.

³ 29 U.S.C. § 794.

Prior to August 2008, Ms. Bowen was Deputy Chief of the Disability Rights Section at the Department of Justice. There she oversaw and conducted litigation, investigations, mediations, and settlements, including the comprehensive review of the City of Toledo, which became the model for Project Civic Access. That model is still followed by DOJ in reviewing the programs of cities, towns, and counties for program access. She also worked with regulatory and policy matters and was actively involved in the development of the ADA, the original ADA accessibility guidelines, DOJ's 1991 regulations, and the 2008 proposal that led to the 2010 regulations.

Ms. Bowen also served as Deputy General Counsel of the Access Board. She holds a J.D. degree from George Washington University.



II. Background and Overview of Requirements

A. Title II of the ADA, Section 504 of the Rehabilitation Act, and program accessibility

Title II of the ADA provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. Title II is modeled after Section 504 of the Rehabilitation Act of 1973, which provides that “[n]o otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 29 U.S.C. § 794. Section 504 specifically provides that “the term ‘program or activity’ means all of the operations of” a covered public entity. 29 U.S.C. § 794(b) (emphasis added). Title II extends Section 504’s prohibition on discrimination to all activities of state and local governments regardless of whether these entities receive Federal financial assistance. 42 U.S.C. §§ 12131-65. Congress required Title II to be interpreted at least as broadly as Section 504. See 42 U.S.C. § 12201(a). Because the obligations under the regulations for Section 504 and the ADA are almost identical for these purposes, this evaluation and plan is intended to satisfy the District’s obligations under both.

Public school districts must comply with regulations issued by the Department of Justice under Title II of the ADA and those issued by the Department of Education under Section 504.⁴ These regulations mandate that public entities, including public school districts, may not use eligibility criteria for participation in programs and activities that would screen out persons with disabilities, unless it can be proven that such requirements are necessary for the provision of the service or program. A public entity must reasonably modify its policies and procedures to avoid discrimination toward individuals with disabilities. However, if the entity can demonstrate that a modification would fundamentally alter the nature of its program or service, it is not required to make that modification. Title II also requires the provision of auxiliary aids when necessary to enable persons who have vision, hearing, speech, or other communication-related disabilities to gain effective access to programs and activities.

⁴ The ADA directs the Attorney General to promulgate regulations to implement Title II, with those to be based on regulations previously developed under Section 504. 42 U.S.C. § 12134. The Title II regulation that was in effect until March 14, 2011, 28 CFR Part 35, is at <http://www.ada.gov/reg2.html>. The first major revisions to the original DOJ regulation (issued in 1991) were published in September 2010 and effective March 15, 2011, for most purposes, and March 15, 2012, as to facilities. They include new accessibility standards as well as new and more detailed guidance in several policy arenas. The regulation has been amended twice, once for technical reasons and once as to the compliance deadline for swimming pools and similar facilities. http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm https://www.ada.gov/regs2010/final_rule_pools.htm. The Department of Education has issued a Section 504 regulation for recipients of its funding. 34 CFR Part 104.

As to facilities, a key requirement of both the ADA and Section 504 is program accessibility: programs, benefits, services, and activities provided by public entities must be accessible to people with disabilities. Put another way, a qualified individual with a disability is not to be discriminated against because the entity's facilities are inaccessible or unusable.

People with a variety of disabilities can be impacted by inaccessible facilities. Most obviously, a student who uses a wheelchair or mobility scooter will not be able to access programs on the second floor of a building unless she has access to an elevator with accessibility features. A volunteer who uses a walker may literally be tripped up by a change in level (for example, along a sidewalk with cracks or uneven surfaces) that is not noticeable to others. A blind student may be injured by an object that protrudes from a wall, such as a wall-mounted television monitor or drinking fountain that is not within the area that her cane detects. That same student may not be able to find her way around the campus without directional signage or room information signage that has raised letters or Braille. A student who is deaf will not know that an alarm is going off in an emergency if he is alone in a restroom, library, or classroom and there are no visual alarms. A student with a disability that affects endurance or stability may be prevented from using restrooms at a facility if they are located so far apart that he cannot navigate to them between classes in crowded hallways. A grandparent with a mobility disability or strength limitations may not be able to open doors that are heavier than allowed by accessibility standards or that do not have lever hardware.

While both laws do require that newly constructed and altered facilities meet stringent accessibility requirements, they do not require that all existing facilities meet those standards, so long as the programs and services provided in those facilities are made accessible to people with disabilities. A program or service can be made accessible by relocating it, providing it in a different manner, or utilizing some other strategy to ensure that people with disabilities have an equal opportunity to benefit from the entity's programs and activities. In choosing among available methods, a public entity is to give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

Making physical changes to buildings and facilities is only one way of achieving program accessibility. At times, it is a necessary or the most efficient way to achieve program accessibility.⁵ However, the regulations do not require a public entity to take any action that would threaten or destroy the historic significance of an historic property, or that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or result in undue financial and administrative burdens.

B. Self-evaluations and transition plans

Regulations under both Section 504 and Title II of the ADA also impose procedural requirements. For example, the District is required to designate a person or persons to be responsible for coordinating the implementation of ADA requirements and for investigating complaints of alleged noncompliance. They also require self-evaluations of policies and practices and, if physical changes are required to achieve program access, a transition plan.

⁵ See the *DOJ Title II Technical Assistance Manual*, § II-5.2000 (1993) ("In many situations, providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of additional facilities, may be the most efficient method of providing program accessibility").

The Section 504 regulation of the Department of Education requires recipients of ED’s financial assistance, such as public school districts, to evaluate all of their policies and practices – including the ways in which “program access” is provided – to determine which ones may violate Section 504, and to modify those that discriminate against people with disabilities. An evaluation was required within one year of the effective date of the regulations (that is, by June 3, 1978). The regulation also requires recipients to take remedial action to eliminate the discriminatory effects of those policies and practices. Recipients were required to consult with interested persons, including people with disabilities and organizations representing people with disabilities, in this process. Recipients of federal financial assistance with at least 15 employees were required to make available to the public the list of areas examined, problems identified, people and organizations consulted, and changes made.

The same regulation provides that if a recipient of ED assistance needed to make “structural” (i.e., architectural or physical) changes to meet its obligation to make programs and services accessible to and usable by people with disabilities – that is, to achieve program accessibility – the recipient was required, by December 3, 1977, to develop a transition plan setting forth the steps needed to make these structural changes. If the time period for completing these changes was more than one year, the plan was to identify the steps to be taken during each year. The regulation requires the plan to be developed with the assistance of interested people, including individuals with disabilities and organizations representing individuals with disabilities. Required changes were to be made as soon as possible but in no case later than three years after the effective date of the regulations (i.e., by June 3, 1980).

DOJ’s Title II regulation imposes very similar planning requirements. The regulation requires public entities, within one year after the effective date of the regulation, to evaluate their current services, policies, and practices,⁶ with obligations to seek public comment in a similar way and (if the entity has 50 or more employees) to keep plans on file for at least three years, along with a description of the areas examined, the problems identified, and a description of any modifications made.

Also, corresponding to the Section 504 regulation, all public entities with more than 50 employees that needed to make structural changes to come into compliance with the ADA’s program accessibility requirements were required to create an ADA transition plan. The deadline for making these physical changes was January 26, 1995.

At a minimum, transition plans must:

- 1) Identify physical obstacles in the public entity’s facilities that limit the accessibility of its programs
- 2) Describe in detail the methods that will be used to make the facilities accessible
- 3) Specify the schedule for achieving compliance

⁶ The effective date of the ADA regulation was January 26, 1992. 28 CFR § 35.150(c). Thus, by January 26, 1993, every public entity was required to have created a self-evaluation and transition plan. 28 CFR § 35.150(d)(1).

- 4) Identify the official responsible for plan implementation
- 5) If the public entity anticipates that the implementation period will take more than a year, i.e., necessary actions will not be completed by July 26, 1993, the plan must identify steps that will be taken during each year of the transition period.

There is no one “correct” and agreed-upon approach to program access, and there is no precise measure of adequacy of a self-evaluation or transition plan. Details about possible approaches can be found in the Department of Education’s Self-Evaluation Guide for elementary and secondary education, published in 1996.⁷ While the expectations of the Departments of Education and Justice may have risen in the 27 years since enactment of the ADA due partly to the passage of time within which to make physical modifications to achieve program access, and the accessibility standards have changed, the document is helpful and still-applicable guidance; there appear to be no guidance, federal agency findings, or federal litigation contradicting it. It is consistent with the DOJ regulation and technical assistance and explains, among other things, the concept of program accessibility, with examples of its application in an elementary/secondary setting. The content reflects not only the general prohibitions of the statute, but also the specific provisions of DOJ’s Title II regulation. The District has been guided in development of its self-evaluation and transition plan in part by that document.

The best practice is to:

- Make well-reasoned decisions about priorities and approach
- Obtain public input about the approach
- Document the alternatives considered and the reasons for the decisions
- Train and educate all those involved (including through internal directives or administrative orders)
- Clearly designate authorities and responsibilities
- Act according to those decisions
- Document any later deviations from the approach or policies

The ultimate goal should be to have a plan that is comprehensive (with decisions and their rationale carefully documented), timely, realistic, and defensible. It is important to make steady progress toward specific goals under definite timeframes but to allow some flexibility as the District learns from the process. The District should also monitor its progress against the plan’s action steps and timeframes, making adjustments as needed.

Specifically, as to transition planning, the best practice is to carefully define the terms, principles, and approach that will be used to create the transition plan, including how sites or groups of sites will be ranked in priority for remediation after surveys are completed (if they have not been completed as part

⁷ Compliance with the Americans with Disabilities Act: A Self-Evaluation Guide for Public Elementary and Secondary Schools, 1996, Office for Civil Rights Department of Education, Government Printing Office, ISBN 0-16-048098-1, <http://eric.ed.gov/?id=ED401688>. The guide is not listed on the Department’s website under “Disability Discrimination Resources,” but is found by searching on the site under “disability discrimination” for “ADA self-evaluation.” See excerpts and summary at Appendix A.

of a self-evaluation). The schedule for making physical changes is then to be based on those priorities and set out in the plan. Courts and agencies will often defer to public entities if they follow such an organized approach, with accountability built in.

The District has consulted and been guided by the Department of Education guide discussed above, case law, various settlements by public entities with the Department of Justice or disability rights advocates, and examples of self-evaluations and transition plans in developing this document; and it is intended to meet the requirements of the ADA and Section 504 regulations as to achievement of program accessibility.

In deciding cases concerning accessibility of facilities under Title II, the Ninth Circuit has focused on the key to program access: whether the program, when viewed in its entirety, is readily accessible. Most recently, on June 22, 2017, the U.S. Court of Appeals for the Ninth Circuit issued its decision in a class action case on appeal from the Northern District of California, Kirola v. City and County of San Francisco, 860 F.3d 1164, <http://law.justia.com/cases/federal/appellate-courts/ca9/14-17521/14-17521-2017-06-22.html> (Kirola). The LAUSD draft transition plan, posted prior to the decision by the Ninth Circuit, had emphasized the importance of the lower court's decision, Kirola v. City and County of San Francisco, 74 F. Supp. 3d 1187 (N.D. Cal. 2014), which is the only federal court decision that has addressed comprehensive program access to services offered at multiple sites following a trial on the merits. (Most cases of this sort are resolved on motions before trial or by settlement agreements.) In both the lower and the appellate court, the primary question was what level of access was required in order to achieve compliance with the Americans with Disabilities Act (ADA) as to various services and programs spread throughout the City and County of San Francisco -- whether, for example, all parks or libraries must be accessible, each neighborhood should be served by parks with all available features or activities, or all intersections must have accessible curb cuts. Citing the ADA regulations about program accessibility, the lower court found that –

because the proper unit of analysis under Title II of the ADA is programs and services—not the individual sites at which they are offered—it is possible for a program, when viewed in its entirety, to be in compliance with the ADA, even if some aspects of facilities where the programs are offered are inaccessible.

Kirola, 740 F.Supp.3d at 1236 (emphasis added). The Court held that Title II of the ADA does not require complete parity of services at each of the facilities through which the City offers its programs, and that all the challenged programs provided program access when viewed in their entirety.⁸ For example, as to park and recreation programs, the district court noted that 20 out of 45 athletic fields were accessible, as were 43 out of 73 recreation centers and clubhouses. Of the 133 play areas, 77 were accessible, and

⁸ As to libraries, the lower court found that the main library was accessible; the goal was to make 24 of 27 branches accessible, and 17 had been made accessible. The court found the number, distribution, and features of the accessible libraries, along with the use of nonstructural methods of providing access, were sufficient to provide meaningful access to the library program. The plaintiff did not challenge this part of the lower court's ruling on appeal.

15 more were to be made so. Accessible play areas were equitably distributed around the City. The Court of Appeals affirmed this part of the lower court's decision.

However, the appellate court went further in establishing the meaning of accessibility to a program. Kirola contended on appeal that even under the correct standard of assessment of a program "when viewed in its entirety," she had proven that the recreation and park programs were inaccessible. The court disagreed, on several grounds, one of which are especially significant here. The court found, consistent with its prior decision in Daubert v. Lindsay Unified Sch. Dist., 760 F.3d 982 (9th Cir. 2014), that the recreation and park programs were accessible "in their entirety." In Daubert, the Court had held that the school district met the obligation to ensure that high school football games met the requirement that the "program," when viewed in its entirety, be "readily accessible to and usable by individuals with disabilities." There, even though the bleachers at one facility were inaccessible, the standard was met because there were other accessible seating areas at that location that provided unobstructed views of the field.

The Kirola appellate court referred to the fact that Kirola's experts found access barriers at many parks, but held that –

the presence of these barriers does not establish that the RecPark program was inaccessible when viewed as a whole. We sympathize with the frustration of mobility-impaired individuals who may show up to many of San Francisco's parks and then find themselves shut out. But perfect accessibility is not the applicable standard under [the regulation].

Kirola, 860 F.3d at 1184.

Kirola contended that certain parks offer benefits that are unique to that park, such as Golden Gate Park's model yacht clubhouse, rose garden, and Shakespeare garden; and that when those parks are inaccessible, the existence of other, accessible parks does not provide an adequate substitute. The court held that –

program access does not operate at such a narrow level of review [again citing Daubert]. There may be something unique about every park and every facility. But [the ADA regulation] requires only that the program as a whole be accessible, not that all access barriers – and not even all of those at the most iconic locations – be remedied.

Id. (emphasis added).

Similarly, in Bird v. Lewis & Clark College, 303 F.3d 1015, 1018 (9th Cir. 2002), the court found that failure to provide access for people with disabilities on a few occasions did not violate the ADA or Section 504.⁹ In Pierce v. County of Orange, 526 F.3d 1190, 1220 (9th Cir. 2008), <http://caselaw.findlaw.com/us-9th-circuit/1376473.html>, the Ninth Circuit emphasized that although

⁹ See Bird, 303 F.3d at 1021 ("Compliance under the [ADA and Rehabilitation Act] does not depend on the number of locations that are wheelchair-accessible; the central inquiry is whether the program, 'when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.'") (citations omitted).

the regulations do not require removal of all architectural barriers to achieve such ready accessibility, they do require prompt implementation of a plan making all programs readily accessible:

...[W]here reasonable alternative methods achieve compliance, structural changes to existing facilities need not be made... We also emphasize that the district court should look at the offerings as a whole and in their entirety and thus the court is not required to ensure that each individual program or service offered at [one detention facility] is offered in complete parity with an offering at [another facility].

That court cited Putnam v. Oakland Unified School Dist., 1995 WL 973734 at *10, 15 A.D.D. 1361 (N.D.Cal. Jun.9, 1995), which, in the context of a school district, found that while entities covered by the Rehabilitation Act [and the ADA] are not required to remove all barriers, they are required to remove barriers where such removal is necessary to make a program accessible.¹⁰

In December 2015, the Department of Justice issued a letter of findings to the New York City Department of Education,¹¹ concluding that the City had failed to make its public elementary school system accessible in its entirety and that “significantly more” of the schools need to be accessible to comply with the ADA’s program access obligations. DOJ found that 83% of public elementary schools were not “fully accessible” to people with disabilities and six of the City’s school districts, serving over 50,000 elementary school students, did not have a single school that was “fully accessible” to people with disabilities.¹² In addition, children with disabilities were frequently denied the experience of attending their local public school with their friends and neighbors and must instead travel long distances on buses.¹³ DOJ directed the City to develop a comprehensive plan to survey all elementary schools and recommend a system-wide remediation plan to address the lack of accessibility, making it a priority to increase the accessibility of the first floors of school buildings and the rooms used by all students, teachers, parents, or other visitors to the schools.¹⁴

¹⁰ See also Cohen v. City of Culver City, 754 F.3d 690, 701 (9th Cir. 2014), <http://cdn.ca9.uscourts.gov/datastore/opinions/2014/06/06/13-55079.pdf> (Congress recognized that it would be unreasonable to require a public entity to extensively renovate all of its existing facilities to bring itself into compliance with the ADA.)

¹¹ https://www.ada.gov/nyc_doe_lof.docx (December 21, 2015).

¹² DOJ wrote that the City has designated schools as “fully accessible” or “functionally accessible” (terms not derived from the ADA), meaning they offer individuals with mobility impairments some level of access to relevant programs and services including the science lab, library, cafeteria, gymnasium and at least one restroom. Even counting schools “functionally accessible,” the Department found the percentage of accessible elementary schools in NYC is inadequate to provide program accessibility; even then, only approximately 21% of the elementary schools in District 16 and 31% of the elementary schools in District 4, for example, are designated as “functionally accessible.”

¹³ DOJ found this to be in violation of the requirement that a public entity prioritize methods of compliance that enable it to provide services to persons with disabilities in “the most integrated setting appropriate.” 28 C.F.R. § 35.150(b)(1).

¹⁴ This would include making the following accessible: at least one entrance, all classrooms [on the first floor], the auditorium, the gymnasium, the cafeteria, and at least one toilet stall for each sex (for adults and children) or a

In one state court case in California, the court found that when (in that case, pursuant to a settlement agreement) a public entity has constructed curb ramps where necessary to provide access along highly-trafficked routes, has allocated funding and established a schedule for future curb ramp construction, and is addressing the particular intersections identified by plaintiffs as well as other intersections in accordance with ADA priorities, it is in compliance with its Title II obligations. See Carter v. City of Los Angeles, 224 Cal. App. 4th 808, 821 (2014), <http://www.courts.ca.gov/opinions/nonpub/B241060.DOC>.

Consent decrees or settlement agreements considered by the District include those filed in the Pierce and Carter cases mentioned above, the San Francisco Unified School District case (see Section VI.A.1 below), and Spieler v. Mt. Diablo Unified School District, C 98-0095 (N.D.Calif. 2000), <http://dralegal.org/case/spieler-v-mt-diablo-unified-school-district>.

C. Defining “programs” and the characteristics of effective program access

As mentioned, the general obligation under Title II is that “No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.” (Emphasis added.) The statute and regulation focus on measures to ensure equal opportunity for meaningful access to services, programs, or activities, but do not further define those terms. It is commonly understood that the lack of a clear definition is an attempt to keep the coverage of the obligation expansive, to cover, in other words, “anything a public entity does.” Pennsylvania Dept. of Corrections v. Yeskey, 524 U.S. 206 (1998). In short, the term “programs” applies in the broadest sense as well as in the most detailed. As a first step to a self-evaluation about facilities and related policies, a public entity must consider how it offers its programs, services, and activities, and how it provides physical access to them. At the heart of this inquiry is assessing what a “program” is.

Programs can be identified and assessed at various levels of detail or granularity. For example, broad scope programs would include such things as:

- Kindergarten and pre-kindergarten schools, or kindergarten at neighborhood schools
- Elementary schools
- Middle schools
- High schools
- Magnet schools
- Charter schools
- On-line learning
- Adult education

At the intermediate level, programs in a high school might include such things as:

single unisex toilet room (for adults and children) (citing 28 C.F.R. § 35.151(b)(4)(iv)(A) (describing which elements should be prioritized to provide the greatest access)) [priorities in the context of the “path of travel” obligation and disproportionality].

- Science offerings
- Art
- Music
- Sports
- Lunch
- Student government
- Travel programs

At a more detailed or granular level, high school academic programs might include:

- 11th grade English
- American History
- Basic Chemistry
- Advanced Placement Chemistry
- Senior high math team
- After-school calculus tutoring
- Summer environmental science at the Clear Creek Outdoor Education Center
- A robotics program

At the more detailed level, high school sports programs might include:

- Junior varsity basketball
- Varsity basketball
- Basketball tournaments
- Bus travel to off-campus games
- Ticket sales
- Spectator attendance at all types of events
- Concessions
- Summer basketball camp

This transition plan is intended to provide access to all programs at the detailed level as set out in the final two lists above, in the context of the characteristics of the District described below in Section III.

This plan uses a system of identifying and removing program access barriers that is a “hybrid” of two traditional approaches. Examples of those two approaches are as follows:

In both cases, an elementary school has three first-grade classrooms. Generally, each year no more than two or three first graders with physical disabilities, or parents of first-graders with physical disabilities, are in attendance. The program being made accessible is the first-grade academic program.

Under the first approach, the entity identifies the program (here, access to first grade classrooms). It could survey what it believes is the most accessible first-grade classroom space (taking into account access from arrival points, parking, entrance to the building, vertical access, restrooms, etc.). It could choose to make improvements to that “most accessible” space, geared to providing full accessibility and ensuring that all first-grade classes where access is required are held in that space. Or it could identify an accessible second-grade classroom on the same floor to which it could move the first-grade class. The entity could choose not to survey the other first-grade classrooms (as long as it had some flexibility

for ensuring program access in unexpected circumstances, this approach would not result in unnecessary segregation, etc.). Or it could decide not to survey those classrooms that can only currently be accessed by steps, for example, because it has decided to focus on identifying adequate accessible space in which to carry out the classroom program. This approach requires less information-gathering initially (the entity surveys one of the three classrooms), but it relies largely on having administrative processes in place for reassigning students to accessible locations, which requires an understanding of program access principles by school administrators and facility staff. Appropriately executed, this approach can achieve program access.

Under the second approach, the entity would survey all classrooms at the location, noting all barriers to access. It would then determine how many classrooms need to be made accessible and how, based on factors such as current or expected attendance, etc.; make those changes; and assign classrooms to accessible locations as needed. More classrooms at the location would be made accessible under this approach. This approach is more labor-intensive in the survey stage but provides more flexibility and requires fewer administrative decisions once physical accessibility changes are made.

A hybrid of these approaches has often been used by the Department of Justice to identify violations of the new construction and alterations requirements, failure to provide program access, or failure to complete barrier removal plans under Title III of the ADA. This involves an initial “high-level” survey of all facilities, looking for major or significant barriers, violations of standards, or inaccessible programs. If the entity is subject to Title II/Section 504, a program analysis is conducted, facilities and spaces to be made accessible are identified, and then those spaces are ordered by priority for changes. Prior to remediation at each location, detailed surveys that identify all barriers to be removed are conducted.

When not all programs are accessible at every location, steps must be taken to make certain that (unless alternative methods are used) programs are offered at accessible locations in ways that provide for an equal opportunity for participation. This includes offering a range of choices that are similar to those provided for others, are appropriately integrated, offer similar opportunities for privacy and confidentiality, and provide for equivalent dignity for people with disabilities. When not all facilities are accessible, they must be reasonably geographically distributed to provide for a reasonable level of convenience for participants with disabilities and their companions. It is also important to recognize that public entities have a reasonable amount of discretion in determining how many facilities of a multi-site program must be made accessible to achieve overall program accessibility.

The preamble to the 2010 Title II regulation describes factors to consider when evaluating a multi-site program for “accessibility in its entirety.” These include consideration of:

- The size of the entity
- The number of sites
- Program features and amenities available at each site
- Geographical distance between sites
- Travel times to the sites
- Whether more than one community is served by particular facilities
- Availability of transportation to each site

In choosing among available methods for meeting this requirement, public entities are required to give priority “to those methods that offer services, programs, and activities ... in the most integrated setting appropriate.” 28 CFR 35.150(b)(1). In explaining this provision, the Department of Justice has stated that as a result, “in cases where the sites are widely dispersed with difficult travel access and where

program features offered vary widely between sites, program accessibility will require a larger number of facilities to be accessible in order to ensure program accessibility than where multiple sites are located in a concentrated area with easy travel access and uniformity in program offerings.”¹⁵

When all programs and facilities are not yet accessible and will not be made accessible immediately, it is the best practice to also consider these factors:

- Highest use programs and facilities
- Most critical programs and facilities for people with disabilities
- Those where specific corrective work has been requested by users
- Facilities and programs open to groups and individuals without registration or other advanced notice
- Facilities offering unique programs and services
- Equitable geographic distribution of locations



¹⁵ See Supplementary Information to DOJ Title II regulation, Subpart D—Program Accessibility, https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm.



III. Description of LAUSD Schools and Programs

Any approach to achieving program accessibility in the Los Angeles Unified School District must reflect three overriding characteristics of the school system: its immense size; its wide variety of programs, including school choice programs; and availability of buildings and facilities for numerous activities, both school-focused and community-oriented.

A. Second largest school district in the United States

As the second largest school district in the nation, the Los Angeles Unified School District enrolls more than 734,000 students in kindergarten through 12th grade, and adult education schools, at over 1,302 schools and centers. The boundaries spread over 720 square miles (at its most distant points, 51 miles long and 26 miles wide) and include the mega-city of Los Angeles as well as all or parts of 31 smaller municipalities plus several unincorporated sections of Southern California. Founded in 1853, the District today counts more than 131 new schools and campuses built since 1997, thanks to the nation's largest public works project, funded by bond measures.¹⁶ Its campuses encompass more than 21,000 buildings totaling more than 75 million square feet.¹⁷

B. Aging facilities and multi-building campuses

The nature of LAUSD's campuses and the age of its facilities present unusual challenges to such a large district. Almost half of the District's buildings were constructed at least 50 years ago, and nearly 800 of its more than 21,000 buildings were constructed more than 75 years ago.¹⁸ Often one site or campus houses several buildings, which requires assessment of, and possible improvements to, access routes between buildings.¹⁹

¹⁶Los Angeles Unified School District, Investing in LAUSD, LAUSD website, <http://achieve.lausd.net/about> (last visited March 29, 2017).

¹⁷ LAUSD, Facilities Services Division, "All Youth Achieving," <http://www.laschools.org/new-site/> (last visited March 29, 2017).

¹⁸ 2016 Facilities Services Division Strategic Execution Plan, http://www.laschools.org/documents/download/about_fsd/sep/2012_consolidated_strategic_execution_plan/2016_Facilities_Services_Division_SEP.pdf?version_id=313188122 (last visited April 16, 2017).

¹⁹ A bond program for construction and alteration, begun in 1997, has resulted in 131 alteration projects and more than 19,600 school modernization projects. The District is now identifying the school sites with the most critical physical conditions and improving them so they are safe, healthy, and functional places to learn. This will be an important step towards providing equity between newer schools and older, aging schools so that every student has an equal opportunity for success. See footnote 17, 2016 Strategic Execution Plan.

C. Variety of educational programs, including broad-ranging school choice programs

The District operates schools that fall into the following categories:

- Community Adult School
- Continuation High School
- Elementary School
- Home & Hospital
- Magnet Center -Elementary
- Span Schools
- Primary Center
- Magnet-Self Contained (Elementary)
- Special Education facilities
- Middle School
- Magnet Center/Middle
- Magnet Center/Senior High
- Dual Language (DLC-Middle)
- Dual Language (DLC-Senior)
- Other LC (OLC) – Middle School
- Other LC (OLC) - Senior
- Opportunity School/Units
- Senior High School
- Magnet Reg. Campus (Senior)
- Span Magnet
- Magnet-Self Contained (Middle)
- Magnet-Self Contained (Senior)
- AEW
- Community Day School
- State Preschool
- Independent Charter
- Division of Adult and Career Education (DACE)
- Option Schools
- Nonpublic
- Early Education Center²⁰

²⁰ LAUSDnet, Guide to Schools, <http://notebook.lausd.net/pls/apps/f?p=102:1:764910122567049555> (last visited March 29, 2017).

LAUSD offers a host of school choices beyond traditional neighborhood boundary schools for students who meet certain criteria.²¹ Half of Los Angeles public school students take part in these school choice programs. The two biggest choice programs are independent charter schools, which serve more than 110,000 students and the district's magnet programs, which enroll more than 70,000 students. Other choice programs include the district's "Zones of Choice" for high schools, open enrollment, permits, affiliated charters and schools for advanced studies.

Programs include the following:

Magnet program: More than 70,000 students attend 214 magnet programs.

Public School Choice: Adopted in 2009, the Public School Choice Resolution supports innovative school plans to improve academic achievement in the District's lowest performing schools. As part of the program, 50 new schools were opened between 2010-2012.

Zones of Choice: In a Zone of Choice, a strategy to increase the number of personalized educational options available to students, a family has different campuses to choose from and/or has a choice among small schools within the same campus. Zones of Choice are geographic areas comprised of multiple high school options. The small school options in each Zone are open to all resident students and represent the demographics of the local area.

Charter Schools: Since approval of its first charter school in 1993, LAUSD has become the largest district charter school authorizer in the nation, with 279 independent and affiliated charter schools serving over 150,000 students. LAUSD, Charter Schools Division, <http://achieve.lausd.net/charter> (last visited March 31, 2017). Charter schools are created or organized by a group of teachers, parents, community leaders or a community-based organization. Charter status frees the school from many of the state statutes and regulations that apply to school districts. It is the intent of the California Charter Schools Act that charter schools operate independently from the existing school district structure, in order to encourage innovation, among other goals,²² but nonetheless with public accountability. These charters can be fully independent or District-affiliated; the latter have closer ties to the District.

Open Enrollment: This program allows students to apply for designated "open enrollment" seats at specific campuses.

Schools for Advanced Studies (SAS): The Schools for Advanced Studies (SAS) are programs designed to improve educational options and increase professional training in support of the development of gifted and talented youth.

Transitional Kindergarten: Transitional Kindergarten (TK) is year one of a two-year kindergarten program and provides an early childhood education program that builds a bridge between preschool years and traditional Kindergarten. In addition, a Transitional Kindergarten Expansion Program (TK-Ex) for younger children has been offered at selected schools.

²¹ Enrollment Choices," LAUSD website, http://home.lausd.net/apps/pages/index.jsp?uREC_ID=183704&type=d&pREC_ID=382334 (last visited March 29, 2017).

²² Charter Schools CalEdFacts – California Department of Education, <http://www.cde.ca.gov/sp/cs/re/cefcharterschools.asp>.

D. Numerous other activities at school buildings and facilities

The District's obligation to ensure access to its programs extends not only to students but also to parents, family members, friends, and everyone else who is eligible to participate in any program, activity, benefit, or service offered by the District. For example, a parent or guardian with a disability should be able to attend her child's back-to-school night and access all areas that those without disabilities can access, such as the child's classroom. Parents and others – with or without disabilities – should have access to football games, information sessions, community meetings, and volunteer opportunities.

Some school facilities are used as community emergency shelters or gathering points; others are polling places or venues for graduation ceremonies of other schools' students. Some serve only administrative functions. These programs must also be made available in an accessible manner.



IV. History of LAUSD's Compliance Efforts and Accessibility Improvements

The District has developed several access-related plans and has undertaken numerous access-specific programs over the years. Ongoing District construction projects have been improving access for people with disabilities since California's first statute (Government Code Section 4450) affecting publicly-funded buildings went into effect in 1968. The far more detailed 1981 California Building Code (CBC) accessibility standard went into effect in 1982 and was updated in 1984, 1987, 1989, 1994, 1999, 2001, 2007, 2010, 2013, and, most recently, in 2016, with amendments between the three-year revision cycles on at least an annual basis. These code requirements have applied to and been incorporated by the District in new construction projects, additions, alterations, remodels, and some maintenance and repair work.

District Plan for the Education and Employment Rights of the Handicapped, May 1978

The District developed a Section 504 self-evaluation in 1978, "Management Plan for Compliance with Handicapped Legislation for the Period from February 1978 through June 1980." The document said that it was unclear what "program access" meant and that the direction the school district should take was yet to be clarified. It introduced plans designed to move the District toward compliance, given economic constraints and the lack of definitive direction from state and federal agencies. With 67,000 rooms in 9800 buildings at 856 locations, the District planned to prepare a worksheet for each location listing all barriers, the estimated modification costs, and an allowance for movable equipment. It also provided for a transition plan to be completed by June 30, 1978, listing physical obstacles, methods to be used to make the facilities accessible, a schedule for doing so, and the person responsible for implementing the plan. It noted that alternative methods of providing access (reassignment of classes to accessible locations, for example) would be set out, and that if these did not provide full program accessibility, methods of modifying facilities would be listed. Over the next five years, the District expected to spend \$20,000,000 creating a system of 44 "adapted schools" plus 21 "special education schools," along with unspecified accessibility improvements at other District schools and offices.

Barrier Removal Plan Revision, 1991

A "Barrier Removal Plan Revision" was drafted in 1991 by the Superintendent's Advisory Committee on the Education and Employment of Persons with Disabilities. By the time the 1991 report was prepared, the District had spent only \$10,000,000 of the \$20,000,000 estimated in 1978 for completion of the program. It was operating all 44 of the adapted schools plus 18 of the 21 special education schools projected in 1978. The number of students with disabilities was increasing rapidly, and the needs of those students were becoming more significant as well. The 1991 update attempted to address those changes with a 10-year plan. It projected the need for two more special education schools, additional work at the 44 existing adapted schools, and 20 more adapted schools plus accessibility modifications at magnet schools. In 1991, the total cost of this work was projected to be \$48,450,000.

Self-Evaluation and Transition Plan in Compliance with the Requirements of Title II of the Americans with Disabilities Act, March 4, 1993

The District issued its self-evaluation and transition plan to comply with its ADA obligations on March 4, 1993. This document primarily examined employment-related issues.

Repair and Modernization Program

Since 1997, for school buildings that are on average approximately 50 years old, the Repair and Modernization Program has been addressing a backlog of repairs and has made major improvements in upgrading inadequate and aging facilities. The program has included projects to meet State and Federal accessibility codes. This program has completed 430 access compliance projects, with an additional 40 projects in various stages of completion.²³

1996-97 Accessibility Survey

In planning for a capital bond measure, and in anticipation of its success, the District prepared a detailed survey of the physical accessibility barriers in existing school buildings, in the form of annotated, graphic architectural site and building floor plans. These plans formed the basis of the District's 1996-1997 update to the 1993 ADA Transition Plan.²⁴ They were utilized, in consultation with the Office of the State Architect, in the execution of the District's building and modernization program.

New School Construction Program

Since the implementation of voter-approved bond programs for the District's capital projects starting in 1997, the District has completed a total of 274 projects serving more than 154,000 students.²⁵ Of those, 131 are new construction, including high schools, continuation high schools, middle schools, elementary schools, primary centers, and span schools (K-8, K-12).²⁶ The designs for each new facility were reviewed by the Division of the State Architect (DSA) for compliance with the accessibility requirements of the California Building Code and the ADA Standards.

Modified Consent Decree

In 2003, the Board of Education committed to specific obligations under the Modified Consent Decree (MCD, decree, or agreement) in Chanda Smith v. Los Angeles Unified School District, No. CV 93-7044-LEW (C.D. Cal. 1996), a federal class action filed in 1993. The 2003 MCD, http://www.oimla.com/pdf/20030512/mcd_text_05122003.pdf, followed a 1996 decree that was intended to resolve a wide range of compliance issues, focusing on improving the District's special education program. The 2003 MCD requires LAUSD to come into "compliance with the Individuals with Disabilities Education Act (IDEA) and Section 504." Section 1.1. The agreement charges the court-appointed Independent Monitor with making a determination that will disengage the District from court oversight when compliance with the decree is achieved. Specifically, as to facilities, the MCD requires

²³ LAUSD Facilities Services Division, 2016 Strategic Execution Plan, p. 28. (See footnote 17, above.)

²⁴ See Annual Report of OIM, Part I, November 10, 2015, p. 32. <http://oimla.com/pdf/20151110/report.pdf>

²⁵ 2016 Strategic Execution Plan, p. 26. (See footnote 17, above.)

²⁶ An additional 143 projects include full day kindergarten, additions/reconfigurations, career technical education projects, and playground expansions. 2016 Strategic Execution Plan (see footnote 17), p. 27.

that new construction and alterations be accessible and that certain commitments be made to program accessibility.²⁷ The decree is to terminate when the District has met designated facilities-related requirements with specified funding allocations and the Independent Monitor certifies, among other things, that in his judgment the “District has no systemic program accessibility problems that prevent substantial compliance with the program accessibility requirements of federal special education laws and regulations.” Section 16 of decree.

The Rapid Access Program (formerly the On-Demand Program Accessibility (On-Demand) Program)

The On-Demand Program Accessibility Program was approved by the District in 2003 to make available and spend up to \$20 million for rapid, minor accessibility repair projects. These were intended to accommodate the program accessibility needs of individual students with disabilities under Section 504, the IDEA, or the ADA, so that the students are able to participate in a District program, service, or activity. Projects are requested by the site administrator (e.g., a school principal) and approved by the Division of Special Education.

During the 2011-2012 school year, the District made modifications to the on-demand program to ensure a timelier response and approval process, as well as to ensure compliant construction and inspections. One primary goal was to establish a sustainable program with clear guidelines and protocol for responding to on-demand requests. Another was to ensure that improvements made through the program would be minor in nature and focused on providing interim solutions that quickly provide program access for students. This program is now referred to as the Rapid Access Program (RAP).²⁸

This program is ongoing and will be a critical component of this plan. See Section VI.C.2.

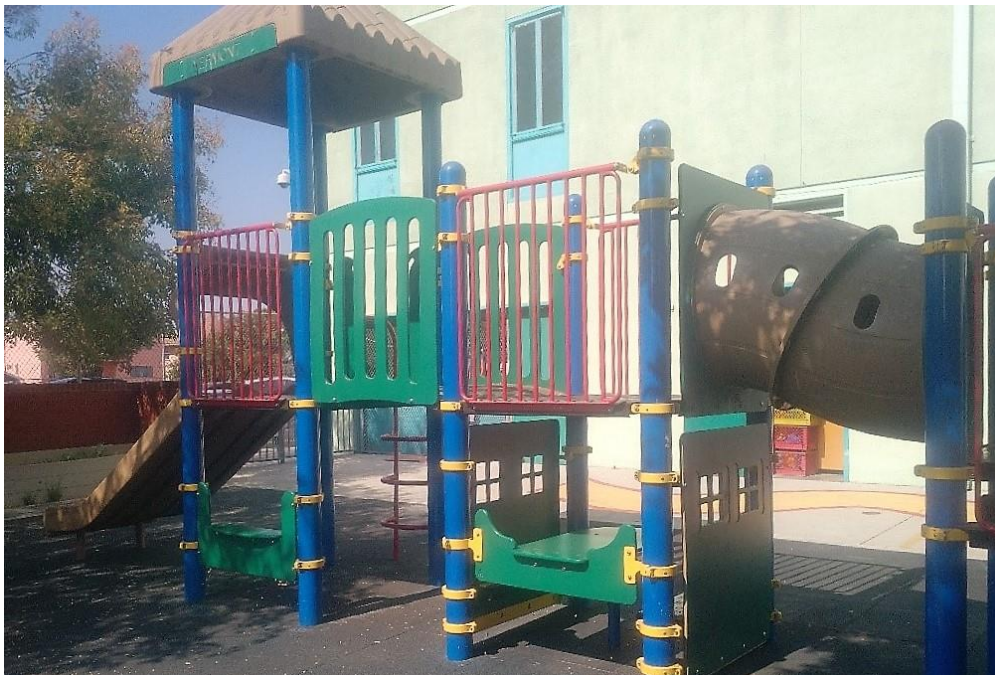
Since the inception of the revised RAP, solutions for providing program access have included the installation of temporary ramps, accessible drinking fountains, and electrical outlets for use at electric changing tables; and minor renovations of restrooms. In addition, operational solutions have been implemented, in some circumstances eliminating the need to make facility modifications; examples of these solutions include changing classroom locations and identifying an alternate accessible bathroom on site. Since June of 2012 there have been a total of 157 RAP requests completed, at a cost of \$3,802,277. The total amount expended on the RAP and On-Demand Programs is approximately \$22 million.

²⁷ Section 10 of the decree (paragraphs 76-78) requires that (a) the District enter into binding commitments to expend at least \$67.5 million on accessibility renovations or repairs to existing school sites consistent with Section 504 and the ADA and (b) the District establish a unit to address on-demand requests related to accessibility and expend up to \$20 million for task orders related to requests for program accessibility.

²⁸ Requests that do not meet the criteria for the RAP (not rapid and minor) are addressed as a critical repair project.

2003-2011 accessibility improvements

Between May 2003 and May 2008, as part of implementation of the MCD, the District entered into binding commitments to expend at least \$67.5 million on Accessibility Renovations or Repair (R&R) projects consistent with Section 504 and the ADA. R&R projects executed at existing school sites include all construction that alters, modifies, repairs, or adds to existing conditions, or eliminates barriers to access, consistent with Section 504 and the ADA. This work was completed August 10, 2011.²⁹



²⁹ Office of the Independent Monitor - Report on the Progress and Effectiveness of the Los Angeles Unified School District's Implementation of the Modified Consent Decree During the 2012-2013 School Year – October 23, 2013, p. 12. http://oimla.com/pdf/20131022/Report1213_Final.pdf.

V. Goals, Assessments, and Public Input

A self-evaluation is a necessary precursor to a transition plan. It evaluates policies, procedures, and facilities in order to determine if discrimination results from any of them. Once barriers to equal opportunity are identified, the entity determines whether it is necessary to make facility changes to remove all of the identified barriers, or whether some can be removed by other means such as relocating classes or other activities, providing assistance, acquiring or modifying equipment, or other means. If physical changes to facilities are required, the entity must prepare a transition plan setting out those changes and a schedule for them.

A. Establish clear goals consistent with the ADA

The District set two overarching goals to guide this effort.

1) **Ensure equal access for all students**

First, the District intends to ensure that all students, regardless of disability (mobility, vision, hearing, speech) have the same choices and opportunities in instruction and activities as students who do not have disabilities, without encountering physical barriers. Every student should be able to access programs and activities of his or her choice for which the student is eligible.

Ensure equal access for parents, visitors, and members of the community

Second, the plan will ensure equal access to all participants or potential participants in the programs and activities described in Section III, to the extent doing so is within LAUSD's control. This includes all parents, visitors, and members of the community. In achieving this goal, the District will extend opportunities to attend school events, extracurricular and sporting events, and ceremonies such as graduation, information sessions, and any other gatherings that occur on school grounds, without encountering physical barriers. The categories of activities extend to those sponsored or carried out by others such as emergency sheltering, voting, independent charter programs, and community meetings.

B. Complete assessments of facilities and related policies

The District has assessed its facilities and the programs carried out in them in four ways, described below.

1. **Initial assessments of physical accessibility at each school**

From November 2016 through January 2017, the District conducted initial assessments of each of its schools. These were "high-level" or broad-brush surveys intended to provide an overview of essential features of each campus, such as –

- 1) Whether there is at least one route from site arrival points (parking, passenger loading zones, public sidewalks and public transportation stops) that does not require the use of stairs.

Whether, if parking is provided for the public, an adequate number of accessible spaces are provided.

Whether the main entrance is accessible.

Whether there are elevators or platform lifts to all multi-storied buildings where either public access is needed, or where there are programs, services, and activities offered by the school.

Whether there is an accessible route to each type of sport activity, each swimming pool, and each play area; and an accessible route to at least one of each type of ground level play component.

The resulting information serves as a baseline to facilitate selection of schools for tentative assignments to the three categories of accessibility discussed below in Section VI.

The form used for these assessments is at Appendix B.

2. Detailed physical accessibility surveys of individual facilities

Since it was fully staffed in 2015, the Access Compliance Unit within the Facilities Services Division of LAUSD has been working continually to survey and develop detailed accessibility surveys and facility-specific access plans for all schools in the District, including multiple schools located on a single campus.³⁰ Schools assigned to Category One will require a complete and comprehensive survey of all spaces as a necessary step to developing a plan for accessibility improvements. The facilities assigned to Category Two and Three will undergo detailed surveys of those spaces and elements that are likely candidates for modifications in order to meet the criteria of their categories.³¹ The ACU has completed 106 surveys.

These surveys result in Architectural Access Survey Reports setting out needed site remediation (taking into account any operational solutions for providing program access) and assigning to each barrier various codes, including a severity code and a use code. The use codes identify the primary users or control of the area where the barrier is located. Because access is intended not just for students with disabilities or parents with disabilities, codes are included for classroom, general public, high public use, employee-only, exterior, play areas, and toilet rooms for children and the public. Severity codes indicate the degree to which a barrier creates a safety consideration for a person with a disability, blocks access to a significant number of people, or is a major or minor inconvenience to a significant number of

³⁰ The Access Compliance Unit (ACU) has technical knowledge in ADA access compliance. It provides support and technical expertise for all phases of the construction lifecycle by coordination with various units within the Facilities Service Division such as Planning, Design, and Construction. ACU also manages the Rapid Access Program.

³¹ ACU provides a survey of each campus as one survey document. However, if there is more than one school on the campus, ACU completes a program access field questionnaire and a public access field questionnaire for each individual school on the campus. They are completed after speaking with the respective site administrator to determine what the programs are for each, for purposes of determining program accessibility. See Section V.B.3. below.

people; and whether an element or area is “fully accessible” or “grandfathered,” that is, subject to the safe harbor provisions of the ADA Standards (see Section VI.A.2. below).

3. Assessments of programs offered at each school and possible operational means of achieving program access at the school

The Program Access Field Questionnaire is part of a program assessment completed in conjunction with school administrators to identify programs at each location and where they are carried out, prior to the site survey. These assessments include interviews with school administrators, which provide information for completing questionnaires that focus on the needs of students with disabilities and their health, safety, and welfare. Where it is known before the survey that rooms and spaces within which programs/services are carried out are not accessible, the school administrators and the surveyor will identify possible operational/administrative solutions, such as relocation of classes or temporary measures as alternative ways of providing the programs or activities in an accessible manner. Classrooms and other areas where services are provided will be chosen for surveys based on identification through the program assessment for Categories Two and Three. The questionnaire used is at Appendix C.

Another form, the Public Access Field Questionnaire, is intended to capture information about whether the school is used as a polling place and whether leasing permits allow organizations to use areas such as an auditorium, gymnasium, or athletic field outside the normal school hours. It also lists types of community events held at the school, such as a winter festival where students perform in the auditorium or multipurpose room, or graduation in an outdoor performance quad or football stadium. This questionnaire is attached at Appendix D.

4. System-wide school-based assessment of LAUSD programs

The District has also completed a summary assessment of all schools, in the context of districts and geography, by school location (instructional complex, for example, the senior high school and its feeder schools). For each, there is a designation for the type of school (e.g., elementary), proposed category designation, and narrative description of its current level of accessibility (explaining, for example, whether there is access to the main entrance and all floors). One section lists, for each school, the programs offered. The assessment also shows whether a particular school offers a unique program, and if so, possible alternatives for delivery of that program. There is also a box for comments. Summary results of these assessments will be available for inspection at the locations set out in Section V.C. (starting approximately June 1) and will be made available in alternate formats upon request.

C. Seek public input during development and review of self-evaluation and transition plan

The ADA regulation requires that public entities accept comments from interested persons, including individuals with disabilities or organizations representing them, on the self-evaluation. 28 CFR 35.105. The District recognizes that many individuals with disabilities have unique perspectives on its programs, activities, and services. Students, parents, visitors, and others with various disabilities – whether they affect mobility, hearing, or vision, for example – can identify barriers preventing or hampering their full enjoyment of LAUSD’s programs. Recognizing and valuing the importance of public participation, the District used a two-part process for public comment, rather than offering only one opportunity, and sought input in a variety of ways.

Listening sessions in February and March 2017

First, the District held early input sessions designed to shape the program and help set priorities as the District developed the transition plan. The public was provided a second opportunity to comment on the specific proposal.

The early input included two two-hour public listening sessions (morning and evening) in each local district, from February 23, 2017 through March 6, 2017, with an additional session on March 25. Individuals and groups were notified by phone calls, emails, and text messages and flyers of the opportunity to attend and testify. Notice was also posted on the District’s main website, as well as the Division of Special Education website.

<http://home.lausd.net/pdf/ADA%20Public%20Listening%20Sessions%20Notice%20Eng%20Span.pdf>.

The methods of public outreach are detailed in Appendix E.

The public was also invited to participate in an online survey. The survey questions included:

- What LAUSD schools or administrative facilities do you visit most often? For what purpose?
- Are there any areas of schools, buildings, or parts of schools or buildings, that either you or your student has encountered to have accessibility issues?
- From the examples that you may have included above, what are the accessibility barriers that you want to make sure are on our list of barriers to remove?
- Do you have any other ideas about the LAUSD’s priorities in this area or how the LAUSD and the public can best work together on this effort?

These questions also guided the discussion at the listening sessions.

Mark Hovatter, Chief Facilities Executive for the District, personally presented information and responded to concerns and questions at many of the sessions. Also in attendance at some of the sessions were Board members and Local District Superintendents or their representatives along with individuals from the Office of the General Counsel, the Facilities Services Division, and the Division of Special Education. A representative of the District Superintendent moderated each session.

301 individuals attended, with 188 offering their views either verbally during the meetings or via survey completion. Some of the comments included the following:

- 1) Non-stair access (such as through ramps) is often absent even though it is needed.

Greater numbers of accessible parking spaces are needed, with parking truly accessible and located nearer to the areas people need to get to.

Stage lifts are needed at some locations so that individuals can access the stage for graduation and other purposes.

At some schools, access for people with disabilities to the front entrance is by a gate, or between floors it is by elevator; but these are operated by keys and keys are limited. Sometimes the elevators are not working.

Bungalows (temporary classroom facilities) are dangerous and inaccessible.

Several schools have inaccessible football fields and basketball courts.

There are no or not enough accessible restrooms.

Distance as a barrier: Locations of accessible parking and bus drop-offs: A child has access to transportation but the bus drop-off is too far from the entrance (500 feet). Sometimes accessible parking is not the closest parking to the entrance. The distance between other types of spaces and rooms needed for accessibility is too far.

It would be helpful to have areas in classrooms as needed, for eating/storing/heating special meals that are needed because of a student's disability.

A more extensive summary of the public comments is available upon request.

Opportunity to comment on the draft plan

The District attempted to respond to as many concerns as possible as it developed this plan. The public had an additional opportunity to comment on the specific actions the District is proposing by providing written or electronic comments. The District welcomed comment by all interested parties on the scope, approach, and details of the transition plan. Based on public input, the District adjusted priorities and/or timing of the plan, as appropriate.

Notice of the opportunity to comment, along with additional information, was provided to those who received emails for the public listening sessions and to those who testified. Notice was also posted on the Division of Special Education website in the family link, and the Parent and Community Services Branch website.

The District sought public feedback and comment on the plan until July 7, 2017.

Information was made available in accessible locations, including the following:

- LAUSD Central Headquarters
- Parent and Community Services office

The following was provided:

- Draft self-evaluation and transition plan at each location
- School-based ADA assessment summary (available by approximately June 1, 2017, and on request in alternate format)
- Facility surveys and program assessments for each school (these were not posted but staff was available to go over them with interested persons)

The items listed in the first two bullets were also posted on the District's website at <http://www.lausd.net>.

Comments were received via an open-ended online survey at <http://bit.ly/ADASelfEval> the already-established ADA email box (ADA-INFO@lausd.net), and open-ended survey forms were available at the identified locations above.

Commenters were also advised to contact the ADA Compliance Manager, at 213-241-4628.

Staff at the locations listed above were available to take written comments and transcribe oral comments into writing upon request. The District has a list of those who commented, and will provide upon request with permission of individuals.

VI. The Transition Plan: Three Components

The District’s approach to program access takes into account considerations such as the characteristics of the District, the student population, and its programs as described above, as well as the existing level of accessibility. The plan sets specific goals for achieving program access within eight years, through facility modifications and operational means, with enhanced access achieved in the following years.

Because the school system – and each school – is a dynamic and fluid environment and its programs and offerings are continually expanding and changing, the approach must also allow for flexibility in its planning and execution. The details are presented with the understanding that as programs and their locations are created or change, modifications to specific plans or timeframes may be appropriate.

There are three critical components to the District’s plan:

- 1) Conducting facility surveys, identifying betterments to be made at each facility according to the category into which they are placed, and making those improvements

Effectively reassigning programs and activities to accessible locations when necessary, or quickly making necessary changes to inaccessible facilities as needed

Implementing supportive policies, procedures, and training to support these efforts

The plan will be carried out in three phases. These three components and phases are discussed separately below.

Section A below sets out the details of the first component and the three phases. Sections B and C address the other two components.

A. Ensure that each school meets the criteria of one of three categories of accessibility, and make necessary physical remediation in three stages

1. Assign each school to an accessibility category for scheduled improvements

Based on assessments of each school, its programs, and the District’s programs as a whole, as described in Section V, as well as public input, each school will be assigned to one of three groups (Category One, Two, or Three, as described below), by level of accessibility. Those schools that do not yet meet the criteria for their assigned category will undergo accessibility improvements. Factors that feature in these designations include the following:

- 1) Known (or anticipated/matriculating) population of students who have disabilities or parents/guardians with disabilities (including those related to mobility, hearing, or vision)

Matriculation options for students to attend pre-kindergarten through elementary, middle, and high school at a nearby locations, starting with pre-kindergarten as the highest priority

Equal opportunity to choose from a wide range of options

- Magnet schools and centers
- Zone of choice
- District charter schools
- Offering-specific schools
- Same-sex schools
- Course offerings (language, specialized programs, etc.)
- Type of instructional approach

Location of programs that are unique or offered at only a few locations

Use for school-related events such as tournaments, swim meets, and graduation

Availability for public use (e.g., for after-school programs, community group meetings, league sports), frequency of such use, and degree of participation

Geographic distribution (e.g., distance from one school to another), feeder patterns

Use as a polling place

Use as an emergency gathering point or overnight shelter

Feeder school clusters/geographic areas

Choice of programs

Known complaints (from parents, students, the public, teachers or staff, etc.) or problems

Student transiency in area served

Access to public or District-provided transportation

Access for entire complexes

Severity of current barriers

New construction or alterations since 1992

Correlation with other types of projects (modernization, comprehensive modernization, critical repair of asphalt, critical repair, deferred maintenance, etc.)

Category One represents the highest level of accessibility, Category Two a “program accessible” facility, and Category Three a base level of accessibility.

In the first eight years, from 2018 through 2025 (Phase 1)³², program accessibility will be achieved District-wide by:

- 1) Identifying 163 Category One schools and making physical changes to 235 of the District's 742 campuses, with each modified to one of three levels of accessibility (unless a school already meets its category's criteria).³³

Implementing policies for "operational" changes (such as reassignment of programs or students to accessible locations).

Modifying or creating policies to support this effort.

The District intends to carry out modifications to facilities in Phase 1 that will provide an adequate number of schools in each Board District to ensure program accessibility through facility access and/or operational means. It is committed to the number of facilities to be modified, by category. At the end of Phase 1, each local district will have approximately three feeder patterns of Category One and Category Two schools, with each pattern consisting of approximately one high school, one to two middle schools, and three to four elementary schools. A list of those feeder patterns is at Appendix F.

In Phase 2, beginning no later than 2025, more facilities will be modified, for enhanced and seamless access to programs and facilities. As more schools come to meet the criteria of Category One or Two, program access will be more readily available, and the District will rely less and less on operational means of ensuring access. The numbers detailed here are goals for achievement in Phase 2.

In Phase 3, the District will continue physical improvements. By the end of Phase 3, almost all facilities will meet the requirements of one of the two highest levels of accessibility (Category One or Two).³⁴

The specific campuses that are planned for modification are listed in Appendix G.

Categories have been determined following the District's completion of high-level surveys of each school's basic features and early public input sessions to inform this plan. The categories are as follows:³⁵

Category One – Key Schools/Program Access PLUS

These schools will meet new construction and/or alterations standards, with limited exceptions:

³² The District will complete these changes sooner if possible. The schedule takes into account a two-year timeframe for Board approval of a project, design, approval by the Department of the State Architect, contract, construction completion, and internal sign-off by the Access Compliance Unit. The District anticipates that alterations will occur more quickly as the effort continues.

³³ Generally, unless otherwise noted, the totals include some schools that would not need modifications. In Phase One, 235 of the District's 742 campuses would require physical changes.

³⁴ To the extent prior new construction does not meet the standards that were applicable at the time of construction, modifications will be made in later phases.

³⁵ See Appendix H for detailed criteria and exceptions/deviations.

- **1A: Full accessibility:** Schools that were built to new construction standards, or altered or to be altered to achieve full compliance with the new construction or alteration requirements, as applicable.
- **1B: High accessibility:** Schools that have been altered or will be altered to meet alteration standards, with some limited exceptions. On some campuses with multiple buildings, a substantial number of buildings have undergone comprehensive modifications; those individual buildings will meet the criteria for new construction/alteration standards. In some instances, a stadium, separate indoor assembly area, or building(s) on that campus may not have been within the scope of the alteration performed as part of a major modernization project. However, buildings that were not identified within the scope of the alteration project will still be required to meet the Title II program accessibility requirements.

Phase One: 163 campuses, 40.8% of those involved in Phase One³⁶
49 high schools, 18 middle schools, 92 elementary schools, 4 adult education centers

Phase Two: Cumulative total of approximately 22 % of all campuses

Category Two – Program-Accessible Schools

The core spaces and features of these schools (see Category Three) would be made accessible, PLUS program accessibility will be in place for all programs and activities.

Phase One: 180 campuses, 48% of those involved in Phase One
22 high schools, 37 middle schools, 121 elementary schools

Phase Two: Total of approximately 49.86% of all campuses

Category Three – Schools with Core Access

Phase One: 30 campuses, 8% of those involved in Phase One
4 high schools, 7 middle schools, 19 elementary schools

Phase Two: Approximately 10.2% of all campuses.

The core spaces of these schools would be made accessible, to ensure a basic level of access to the building (certain common spaces), including parking and the main entrance, the main office, assembly areas, and an adequate number of restrooms, hydration stations, etc. As needed, specific classrooms and other spaces would be made accessible, through the Rapid Access Program or other means; or programs would be moved to accessible locations within the school or to other schools.

The ultimate goal is to improve almost all schools to at least a Category Two level. The District intends that in the long term, its facilities and programs will be readily accessible and available when a student,

³⁶ Of the 163 Category One campuses included in Phase One, there are 128 newly constructed schools or schools that have had significant additions or alterations, and they meet the requirements for a Category One school. Thus 35 schools will be modified (approximately 9.3% of Phase One). Of those, 22 have already been approved by the Board of Education for Comprehensive Modernization projects. This leaves 13 existing schools that need physical remediation to achieve Category One criteria in Phase One.

parent/guardian, or community member with a disability arrives at one of its facilities, whether or not that individual's presence was anticipated.

The following is a general overview of the criteria for each category and an explanation of the application of new construction and alteration standards.

Category One – Key Schools/Program Access PLUS

These schools would meet new construction/alterations standards, with limited exceptions as previously defined above.

Category Two – Program-Accessible Schools

The core spaces and features of these schools on each campus (see Category Three) would be made accessible, PLUS program accessibility would be provided to all programs, services, and activities. These spaces and features are:

- 1) Access to parking, drop-off/approach points, and the main entrance
- 2) Access to and use of at least one accessible area for each program offered at the site, for example:
 - First-grade classroom, second-grade classroom, science classroom, etc.
 - Gymnasium and locker rooms
 - Assembly areas (auditoriums, theatres)
 - Unique-use spaces such as chemistry labs, art studios, music rooms, swimming pools, play areas, football stadiums, and tennis courts
- 3) Access to an adequate number of restrooms, hydration stations, etc., serving the accessible spaces as identified above (number based on considerations including distance and convenience)
- 4) Access between buildings
- 5) Signage

Further improvements would be made if existing approaches do not meet the individual needs of a person with a disability, through the Rapid Access Program or other means.

Category Three – Schools with Core Access

The core spaces of these schools on each campus would be made accessible, to ensure a basic level of access to the building. These spaces include certain common spaces, such as:

- 1) Parking

The main entrance

The main office

Assembly areas

An adequate number of restrooms, hydration stations, etc.

Program access to other areas and spaces would be provided as needed, including through the Rapid Access Program or other means.

None of the category assignments, exceptions, or deviations (as described in the next paragraphs) will relieve the District of its overriding obligation to provide program access.

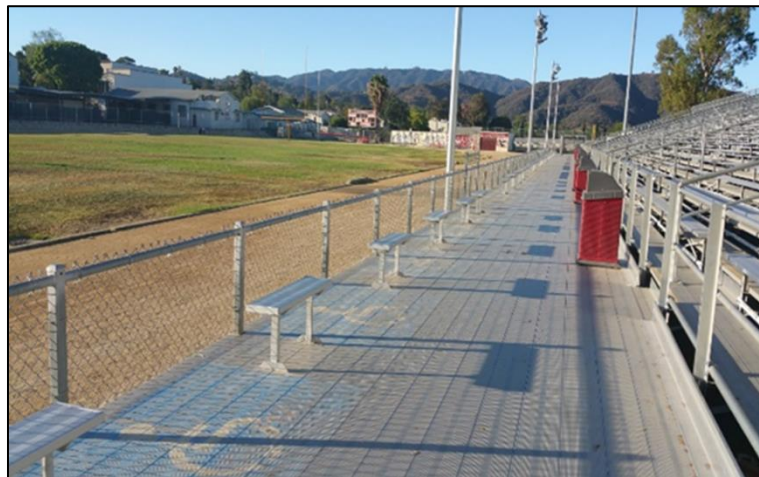
Application of new construction and alterations requirements and exceptions

The ADA requires that new construction meet the detailed and extensive ADA Standards for new construction, except in the rare circumstances when doing so is structurally impracticable. 28 CFR 35.151(a)(2). Alterations must meet alterations standards (which are less strict in some situations than new construction standards) to the maximum extent feasible. 28 CFR 35.151(b). It is the District's intention to bring any schools that are designated as Category One but are not new construction up to the new construction/alteration requirements for those areas which have been altered.

The following are some examples of how the alterations standards apply.

- 1) Some existing elevator shafts may not accommodate a fully complying elevator cab but might accommodate a cab with only slightly reduced clear floor space. In that case, the District might use a slightly modified configuration if it is not feasible to increase the size of the shaft.

In making alterations to a sports venue, it may not be feasible to provide dispersed accessible seating (that is, at various levels of elevation or at various locations around a horizontal expanse of a field or stadium), due to the nature of the facility and existing conditions. In some instances the District may be able to use portable accessible bleachers for that purpose, and in others (depending on the nature of the sport or usual number of spectators) ground-level seating may be acceptable. However, the program accessibility requirement will remain; and when necessary to meet that requirement, operational solutions may be used.



Under the ADA regulations, each element or space that is altered must follow the ADA standards to the maximum extent feasible. In addition, if a “primary function area” (any space where a major activity takes place, such as classes or meetings, events, counseling, recreation programs, and dining) is altered, the “path of travel” requirement is triggered. An accessible “path of travel” must

be provided to the primary function area (but no more than 20 percent of the cost of the original alteration must be spent for this purpose). The path of travel includes a route connecting the altered space to the entrance and approaches to the building, the restrooms serving the altered space, and the drinking fountains and public phones serving that area. However, when alterations are undertaken solely to meet program accessibility requirements, the path of travel requirement does not apply.³⁷

The District recognizes that some difficult decisions may need to be made as to some of the issues presented by these exceptions (in particular, about how to provide access to assembly areas such as sports venues), as well as about how program access is best achieved. These decisions will be made on a case-by-case basis, in consultation with users and the public.

Appendix H contains the detailed criteria for each category, with exceptions/deviations, and for phasing.

The numbers of campuses in each category, specific assignments to categories, and schedule are approximate and subject to change. For example, the timing of improvements to a building may be affected by already-approved projects where construction or repair work is imminent, the age and condition of a facility, or unforeseen circumstances such as fires or the need to alter a facility for seismic or other reasons. Other factors affecting corrections and their timing could include changes in programs or activities or the means or location for delivering them, closing or openings of schools or buildings, changes in student/parent population, technical infeasibility, and the need to acquire right of way or otherwise coordinate with other entities. District staff and managers will continue to meet quarterly, as they have done since 2015, to assess progress and consider whether assignments or timing should be modified. Those conferring are from the Office of the General Counsel, Division of Special Education, Division of Charters, Educational Equity, Facilities, and the Facilities Services Division, including the Access Compliance Unit.

This three-tiered approach is generally based on one used to resolve litigation that arose when the San Francisco Unified School District (SFUSD) was developing its transition plan.³⁸ The LAUSD plan includes necessary and appropriate refinements and more expansive commitments.³⁹

³⁷ See 28 CFR 35.151(b)(2) and (4).

³⁸ Lopez v. San Francisco Unified School District (No. C99-03260.SI, N.D. Cal.), agreement approved Oct. 5, 2004, <http://www.schneiderwallace.com/Settlements/Judgment.ADA.Class.Action.pdf>. See also the concept of providing access to “key stations” in transit systems, 49 CFR 37.47 (DOT regulation implementing the transportation-related provisions of Titles II and III of the ADA).

³⁹ The two plans are not identical, for several reasons. Assessing LAUSD’s more than 700 campuses (containing over 21,000 buildings and 1,302 schools), versus San Francisco’s only 185 campuses; planning for changes; and making improvements will of course be more challenging and time-consuming than San Francisco’s process was (requiring 12 years, a 50% increase from the original eight-year deadline in the settlement agreement). In addition, LAUSD’s campuses are larger, with more routes between buildings. LAUSD also has an almost unparalleled school choice program, crossing neighborhood boundaries, and more than 50% of students participate in it. LAUSD has already spent almost half (\$87.5 million) the total amount of funds that SFUSD’s changes under the transition plan were estimated to cost, just in the past 10 years. More than \$67.5 million has been expended on renovation projects and more than \$20 million on on-demand project and RAP changes.

The District has been proceeding since late 2014 with several components of the plan based on internal draft plans, including program assessments of each school, high-level surveys of all campuses, in-depth surveys, and modifications to some campuses. (See Section V.B. above.)

2. Continue facility surveys and remediation of physical barriers

Continue surveys

The detailed physical barrier information required for the transition planning process will be collected and managed using Evan Terry Associates' (ETA) ADA Survey and Barrier Management System database software.⁴⁰ Architectural accessibility surveys are produced at the level of detail appropriate, with reports as to how the physical barriers can be removed, along with alternative methods for providing program access until the physical barriers can be removed.

Staff of ACU has been working continually since 2015 to survey and develop detailed facility assessments and facility-specific access plans for all school campuses in the District. The District will be using the live ETA Survey and Barrier Management System database to identify, solve, manage, and track site remediation progress throughout the life of the transition plan. They will also be using a parallel database of Questions, Answers, and Interpretations to help the survey teams consistently answer the kinds of application questions that invariably arise in a project of the size and complexity of this one.

Comply with standards and regulations

The District intends to follow all substantive and procedural regulations of applicable laws, including the ADA and the California Building Code.

2010 ADA Standards. To determine whether a facility, space, or element is “accessible” in the context of program access under the ADA regulations, it is analyzed against the requirements of the 2010 ADA Standards.

However, any element that was covered by and compliant with the 1991 ADA Standards (or in certain cases, the Uniform Federal Accessibility Standards) by March 15, 2012, and that has not been altered since that time is not required to be modified to provide program access. (This is called the ADA “safe harbor.”) If, however, any elements are altered for other reasons, they must be brought into compliance with the 2010 ADA Standards as well as any stricter state and local accessibility requirements. The facility surveys and plans are consistent with the 2010 Standards, including 2010

⁴⁰ This is a system of Lotus Notes databases including questions, instructions, solutions, and report options, all updated to include the latest ADA and CBC Standards with safe harbor provisions. This is the same system currently in use by the Congressional Office of Accountability and the Architect of the US Capitol to develop and manage their transition plan, for Sutter Health in northern California, CVS Caremark nationwide, PG&E, the City of San Diego Park and Recreation Department, and many other public and private entities. It is an expanded and improved descendent of the system used on all Kaiser Permanente facilities in California, Stanford University, Bank of America's facilities in California and nine other western states, about a dozen K-12 school systems, and many other facilities in California and nationwide.

provisions that incorporate, for the first time, advisories on dimensions for children’s facilities, plus recreational and play facility requirements.

Construction and alteration projects must comply with the ADA regulations and ADA Standards as well as the following:

2016 California Building Code Accessibility Requirements. The CBC requirements apply to new construction, alterations, and certain types of maintenance and repair work. Existing elements that meet the ADA requirements but not the stricter CBC accessibility requirements are not required to be modified to comply with the ADA or California law. However, if they are altered or modified for any other reasons, they must then be brought into compliance with the 2010 ADA Standards as well as any stricter state and local accessibility requirements.

California SB-1608 and the Construction-Related Accessibility Standards Compliance Act. This is the law that set up the Certified Access Specialist program managed by DSA. As with the other California laws mentioned above, the protections and obligations this Act imposes do not apply directly to the District but may apply to some activities of Charter Schools. That question is beyond the scope of this Transition Plan.

California SB-1186. This California law applies to all leases with private entities. It requires the property owner and lessor to notify the tenant in every lease form or rental agreement executed on or after July 1, 2013, whether the property being leased or rented has undergone inspection by a CASp, and if so, whether the property has been or has not been determined to meet all applicable construction-related accessibility standards. Since the District has CASps on the team that are conducting the Transition Plan physical barrier surveys, they can provide input on meeting this requirement. It does not add any barrier removal obligations and so it, too, is beyond the scope of this Transition Plan.

DSA Project Reviews. The Division of the State Architect is responsible for reviewing and approving plans for most construction and alterations work in the District’s schools. The review includes the accessibility requirements of the CBC. These reviews may be performed by DSA staff or independent CASps (Certified Access Specialists) certified by the State and working for DSA. When the 2016 CBC went into effect, it attempted to include all of the requirements of the 2010 ADA Standards. This will provide an additional layer of oversight to help the District meet its ADA obligations during construction projects. However, plan review approval by DSA is not an assurance that a facility is compliant with the ADA requirements. Similarly, DSA’s interpretations about applying the CBC requirements are non-binding on any court where a complaint may be filed under the ADA.

Develop, maintain, use, and share remediation interpretations and solutions databases

Due to the size of this program and the amount of time it will take to complete, the transition plan database includes a series of features to facilitate feedback throughout the project. An interpretations database will document common questions that occur at various facilities throughout the District along with the answers developed by ACU and other departments to allow consistent and efficient action without duplicating the analysis process every time that particular problem, or a variation of it, arises. It will also allow ACU to review those interpretations, questions, and answers for continued applicability when changes are made to the standards, or to District policies or practices.

Similarly, a solutions database will catalog and cross reference commonly used solutions, design details, products, installation instructions, and equipment that can be quickly located to efficiently solve repetitive problems throughout the District over the life of the project. It can also serve as a reference for District design professionals seeking approved details, equipment, and products and for maintenance staff seeking instructions and dimensions for compliant installation. This database will be tied into ETA's extensive online database of additional technical assistance information.

Coordinate timing of projects

When new construction and alterations projects are being performed on a site, it is usually also the most cost-efficient time to do other unrelated barrier removal work on that campus to meet the District's program access obligations. This is especially true when certain trades or equipment are involved that require time-consuming setup or special equipment like underground utility work, drilling rigs, concrete pumps, and cranes. The ACU will need to identify opportunities to piggyback barrier removal work with other construction projects to take advantage of these savings.

Other steps to be taken by LAUSD

The ACU will also be responsible for peer reviews of new construction and alterations projects to verify that work is included as required, that new barriers will not be created due to design errors, and that the work, when completed, is compliant with the standards and provides program access as required. This process may involve specific training of the design and construction teams in addition to peer reviews and post-construction barrier removal verification visits to the sites by ACU staff and updating the databases as barriers are removed. This verification process involves ACU staff providing thorough design review, support during active construction, inspections of final corrective work, and sign-off; and obtaining final photographs of corrective work involved in barrier removal processes. ACU then updates the ETA database with sign-off date and photograph numbers.

- 1) **Schedule and Consult with Operations Teams and Instructional Staff Doing Remediation Work:** Many of the barriers that are identified as limiting or blocking program access in the District's facilities are physical barriers like movable furniture, equipment, trash cans, plants, etc. that are located in required door maneuvering clearances, accessible routes, and clear floor spaces. These can usually be removed by operations and instructional staff, and they do not require design or construction work. Keeping these types of barriers out of the required clear areas is an operational problem that will require training of school-based staff and will need to be continually verified over the years to maintain program access.

Conduct Remaining Priority Barrier Removal Work As Stand-Alone Projects: After funded construction and alterations projects, maintenance and repair projects, and operational solutions have been identified and integrated into the database of barriers limiting program access for physical fixes, ACU will produce a list of program access limiting barriers not funded or scheduled for removal under normal District processes. ACU, working with other LAUSD departments, will then identify long-term alternative methods to provide program access as required or seek additional funding to complete the physical barrier removal work outlined in this transition plan. When those funds are allocated, the ACU will schedule the work and update the transition plan details accordingly. Where alternative methods are used, training and procedures must be developed and put into place to assure that the alternative method program access solutions remain consistently effective into the future. Alternative methods must be offered at accessible locations in ways that provide for an equal opportunity for participation, a range of choices that are similar to those provided for others, are appropriately integrated, offer similar

opportunities for privacy and confidentiality, and provide for equivalent dignity for people with disabilities.

Conduct Post-alteration Verification Site Visits and Update Database: In order for there to be any hope of consistently meeting the District's obligations under the ADA for program access, the ACU will have to visit District facilities after significant additions and alterations, program access barrier removal, and changes to program locations to verify initial and continuing compliance. As the ACU team members visit sites, they will document the post-barrier removal compliance in the database as well as any new barriers not already listed in the system. This information and photographs associated with it will be used in developing training for District staff and contractors who have barrier removal or construction responsibilities.

Maintain Database of Low Priority Barriers for Future Reference when Needed: Physical barriers that do not limit program access under the ADA Standards do not have to be removed until alterations, additions, maintenance, or repair work modify those elements for other reasons. For that reason, the database of barriers will be maintained to inform future design, construction, maintenance and repair teams about the barriers that they will be responsible for removing during those types of projects in the future.

After reviewing each of the campuses, buildings and/or rooms on each campus, the District, led by the ACU team, will set facility surveying priorities to make the most efficient use of available maintenance, repair, and construction funding practical to provide the best program access opportunities for people with disabilities as soon as possible.

Once the initial survey priorities are set and survey data becomes available, the ACU will coordinate barrier removal work identified in the surveys with all construction projects and repair work. The District's Facilities Services Division oversees the design and construction of hundreds of projects. Each is a DSA project, so its construction documents will have been reviewed by DSA for structural, fire and life safety, and accessibility compliance. Where time and schedules allow, for these and future projects the Access Compliance Unit will provide barriers information to the design and construction team. The designers will integrate the relevant barriers information and incorporate the pertinent ADA work into the design documents. ACU staff will verify incorporation of the barrier removal work into the projects then project designs will be reviewed and approved by the Division of the State Architect (DSA) before the start of the project. Upon completion of the work, after meeting all DSA requirements, and verification by ACU staff, the project will be submitted to DSA for certification.

Where important barriers remain after bond construction, repair and maintenance funds are exhausted at a program access priority facility, the District will identify and coordinate the implementation of long term alternative method solutions or seek additional funding sources to assure long term program access for students, parents, and others with disabilities.

To help the barrier removal process to run as efficiently, effectively, and quickly as possible, the Access Compliance Unit will be compiling a detailed catalog of District-preferred solution types, standard designs, standard details, and approved products with compliant installation instructions. This information can be provided for use by design, construction, repair, maintenance, purchasing, and operations staff, consultants, and vendors.

The database from the surveys would include all identified barriers, so that others could be corrected in the event that programs and services were relocated at a later time.

B. Reassign programs and activities from inaccessible to accessible locations and/or ensure that accessibility features are provided on request

The success of this three-part plan depends on the success of each part and coordination among those responsible for each part. Most importantly, because not all campuses will be accessible at the end of Phase I, the District will take steps to preserve students' wide range of school choice through reassigning programs and activities to accessible locations when modifications cannot be made (or cannot be made quickly enough) or are not planned for the program or location to which a student seeks access.⁴¹

It will be necessary to ensure, until enhanced accessibility is achieved during Phase 2, that (1) reassignment of programs and/or individual students to accessible locations works in an effective manner and (2) the Rapid Access Program results in truly rapid and meaningful response and action.

Toward that end, the District will work to improve communication to parents, students, and others in the community about the accessible features of its schools, plans and schedules for facility improvements, and policies about reassignment.

1. Provide information to students, parents, and others about policies, accessibility of each facility and campus, and the transition plan

As barriers are removed and program access is known to be available at specific District facilities, accessibility-related information will be made available through the LAUSD website. For example, LAUSD will develop an Access Guide showing accessibility features of each facility, to assist students and parents in making choices of schools and requesting alterations or reassignment of programs to accessible locations. The District intends to complete the first edition of the Access Guide identifying accessibility features on the campuses meeting the established criteria by the end of 2018. As additional campuses are completed, information regarding those campuses will be added to the Access Guide.

The Access Guide will allow potential students and their parents to understand the current level of accessibility at the schools they attend or wish to attend. To allow new students to plan their routes around campus before their first arrival and to allow non-students to plan their visits for sporting events, parent conferences, concerts, career days, and all other events where non-students will be visiting, information about accessible features will be made available in visual and written formats. This information will include at least the following:

⁴¹ As explained in Section VI.A., priorities for physical changes will be reconsidered on a quarterly basis, and specific requests and anticipated matriculation are among the factors to be considered. With the flexibility built into the first component of the plan, the District can re-order schools within groups according to need and requests.

- 1) Accessible site arrival points:
 - Transportation stops
 - Parking
 - Passenger loading zones
 - Sidewalks

Accessible routes, ramps, elevators, and lifts where not all routes are accessible

Accessible entrances when not all are accessible

Accessible classrooms and other program access spaces

Accessible toilet rooms for students, staff, and visitors

Accessible assembly areas, including accessible seating

Where alternative methods of providing program, access are in use at a particular school location and they are not obvious to users on site, the website will contain information about how they work or where accessible programs are being provided. That information will also be made available through means other than the website.

Additionally, the District will develop notification policies and instructions for requesting alternative solutions when the provisions in place at a particular location are insufficient for the needs of particular individuals with disabilities.

Information will also be placed on the Division of Special Education website, which has specific links for families, students, and employees, with information pertinent to each.

The District will also develop means of communicating an overview of the accessible locations where various programs and curriculum options are carried out. This will enable students and their parents, for example, to identify where they would have an opportunity to access a particular magnet program or unique curriculum and to determine whether that location would be workable for them.

2. Seek information from students and parents about matriculation and access to programs

The District will take aggressive steps to identify current or matriculating students or their parents with accessibility needs, including students who have Individualized Education Programs (IEPs) under the Individuals with Disabilities Education Act (IDEA) and those who do not for any reason, including because their disabilities (such as many mobility disabilities) do not interfere with their ability to learn.

C. Implement policies, procedures, and training to support achievement of these goals

Numerous policies and directives will be amended or developed to guide all those involved in this major effort as it goes forward, and District staff and school personnel will be trained about implementation. The District aims to have all necessary policies in place and to complete training on them by the end of the 2018 calendar year.

1. Hire a new ADA Program Manager and strengthen notice and grievance procedures

The ADA regulation specifically requires the District, as an entity covered by Title II, to take certain procedural steps to ensure that it has the infrastructure necessary for effective implementation of the ADA.

First, it must name a responsible official or ADA Coordinator to coordinate compliance and investigate complaints. The ADA Coordinator is to have sufficient knowledge and information about the ADA to answer questions efficiently and consistently and is the specific contact person for management and staff. The ADA Coordinator also helps ensure that compliance plans and policies are implemented in the way management intends. Unless an ADA Coordinator is named and his or her contact information is easily available to the public, the public cannot easily identify a person who can help them with questions and concerns about accommodations or disability discrimination. For example, the ADA Coordinator is often the main contact when someone wishes to know if a facility is accessible and where the individual might go for particular services or programs. The ADA Coordinator is also the specific contact person for management and staff – one who has sufficient knowledge and information about the ADA to answer questions efficiently and consistently.

The District conducted an extensive and thorough search for a highly-qualified ADA Compliance Manager to fill the position that had been open since June 17, 2016. The current ADA Compliance Manager joined the District on May 8, 2017; reports directly to the Superintendent of Schools designee and has adequate authority to carry out the responsibilities of an ADA Coordinator.

Second, the District must provide notice of individual rights under the ADA, including their rights to request modifications or accommodations. The District plans to provide that notice more effectively, including through more widespread notice online, in publications routinely provided to parents and students (such as start-of-year letters), and through other postings.

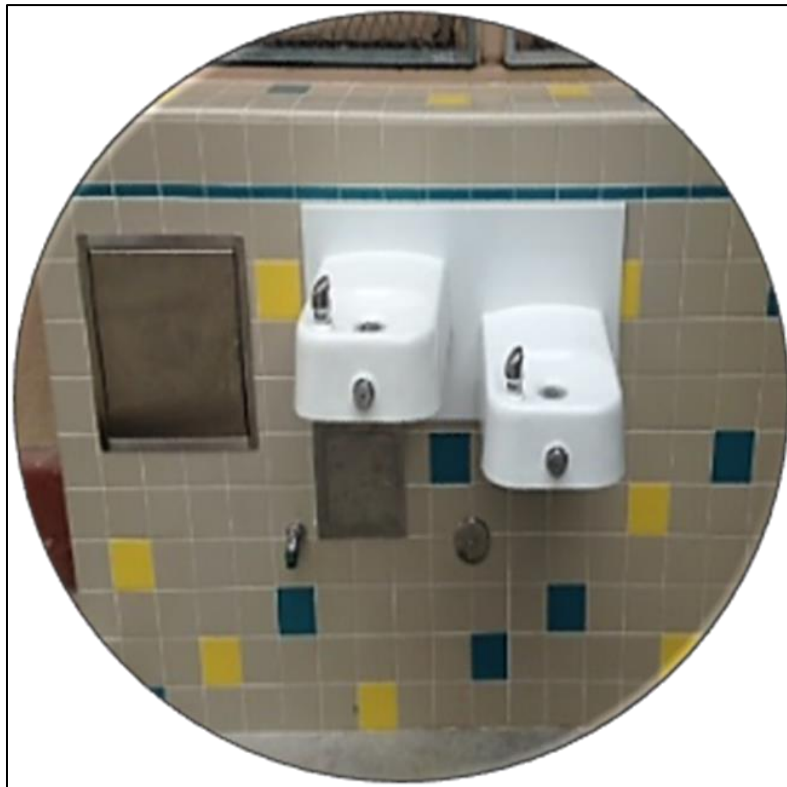
Third, the District must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. The District plans to review its procedures to ensure that they are consistent with the Department of Justice's model procedure and to ensure that it is distributed to all department heads, posted in public spaces and on the entity's website, and made available in alternative formats.

2. Strengthen the Rapid Access Program

The District plans to strengthen the Rapid Access Program to ensure that all efforts are made to complete requested changes within 21 days but in any event no later than 30 days after a request.

While the RAP has noted some improvements, the process still needs to be better streamlined and more collaborative between the Division of Special Education and the ACU. Decisions for determining interim solutions and for recommending minor renovations should be more consistent and based on an assessment of the site conditions from trained personnel. To that end, a memorandum from Facilities Services Division leadership setting a commitment for the entire Division to place an emphasis on Rapid Access Projects will help to provide consistent and speedy resolution of these requests. Making RAP an even more urgent priority should allow departments to proceed without RAP funding being in place on day one, knowing that a funding line will be provided as the program is fully funded. The District will ensure that staff are able to obtain the necessary materials without long lead times in order to meet the timelines indicated above to complete RAP requests.

The District will also put in place an improved mechanism for receiving requests, acknowledging the requests, and tracking responses, to facilitate a timely response and resolution.



3. Place on the ADA Coordinator, each school principal, the Division of Special Education, and the Facilities Services Division the responsibility for operational changes

Clear directives about the respective responsibilities of each school principal, the ADA Coordinator, the Division of Special Education, and the Facilities Services Division in ensuring ADA compliance will be issued. These will be drafted at an appropriate level of detail and reference obligations as to each policy and procedure to be developed.

4. Develop a comprehensive training program

Another key to the success of this transition plan in providing consistently available accessible features and to assure that convenient, integrated, equal opportunities for program access are always available at LAUSD facilities is the provision of training for District managers, staff, and contractors. One of the first tasks of the ADA Compliance Manager is to develop training for principals, other staff, and managers about interaction with people with disabilities, the LAUSD process, policies (including those to be newly implemented, as described below in this section), and their responsibilities for making this plan work. He or she will also coordinate with the Access Compliance Unit as that unit further determines and carries out the facility-related changes under this plan.

It is anticipated that training programs will explain participants' obligations under the ADA and the methods in use by the District to help them meet those obligations. Training can be provided in a combination of in-person sessions, webinars, or on-demand programs, including through the District's online training platform, MyPLN, which will be introduced in the 2017 school year. It should address, as appropriate to the responsibilities of the participants, the requirements of this plan, the policies and procedures in place, the expectations of people with different types of disabilities and how they can be met, and interaction with people with disabilities. Webinars can also include post-training testing and reporting to District coordinating staff for verification that training obligations are being met by all staff assigned to participate.

The ADA Compliance Manager will explore whether the training is more appropriately provided or maintained by an outside party or through its own means, including the LAUSD Online Learning system resulting in in-house control, potentially lower costs, and wider distribution. After training is completed, courses should remain available for refresher use and for reference in the field. Handouts should all be formatted for tablet and smartphone viewing on site by everyone who has responsibilities under the plan.

A section related to program accessibility will also be added to the mandatory annual Administrator Training module.

The Access Compliance Unit will train contractors about the ADA requirements and standards and any allowable tolerances.

5. LA Unified components and coordination with other entities

The Department of Education Guide, described in Section II.B above (pages 184-185 of the guide) lists capital planning information among important factors to consider when planning for facility changes:

As the [planning group] develops recommended solutions, it should seek to obtain information regarding planned alterations, the planned closing of a facility, or other plans for each facility. Information regarding available land, planned new construction, and vacant or under-utilized facilities is also helpful in developing accessibility options.

The District already has in place some practices, as described above, for coordination with capital planning and other LAUSD functions as well as participants in programs, such as the current practice of making quarterly adjustments to the list of schools to be modified, based on changing conditions, and the use of the Rapid Access Program. Other processes will be implemented to enhance coordination and effective implementation of this plan.

Capital Needs Assessment and Comprehensive Modernization Program

The District has prepared a Capital Needs Assessment and a plan for Comprehensive Modernization Program. The architectural accessibility surveys conducted under this Transition Plan and the master plans will provide a comprehensive list of accessibility barriers, along with other recommended facility improvements. The specific projects to be implemented each fiscal year will be developed in consultation with the District financial advisors and the corresponding communities, and will be submitted for approval to the District's Board of Education.

The following are the planning considerations that were used to assist in the development of campus modernization master plans:

- 1) Identify most critical facility deficiencies through facility assessments. Identify and prioritize critical needs that contribute to the educational needs of the District and maintaining a safe facility. Analyze these deficiencies, and separate them to see if they can be corrected through modernization and/or new construction projects.

Analyze each campus plan as to how needs are best addressed in the Comprehensive Modernization Program. Prioritize campus needs among all campuses. Develop a phasing plan to address the campus needs in order to implement a steady, deliberate and well planned program. The phasing plan on each school campus will need to work within the District's funding strategies.

Once each school survey is completed and projects are identified, conceptual plans will be prepared to propose solutions that address major deficiencies, including the removal of accessibility barriers. Conceptual plans will also consider removing temporary or under-utilized buildings, replacing obsolete structures, restoring existing facilities, and recapturing open space. In addition, conceptual plans will incorporate environmentally conscious designs, opportunities for joint use development, and input from key stakeholders in the school community. The development of these facilities conceptual plans facilitates consideration by the Board for projects to be executed as bond funds become available.

Facilities Capital Bond Program

The specific projects to be implemented each fiscal year will be developed in consultation with the District's Board of Education, the District financial advisors, and the corresponding communities. This process of prioritization and authorization of individual school projects will be repeated each year, based on contemporary criteria and evaluations by the staff and Board. Projects such as seismic retrofits, modernization and repairs, etc. will include accessibility improvements.

As the ongoing details of this Transition Plan are further developed, and as the compliance work progresses, the District anticipates establishing a task force to enable the Access Compliance Unit to coordinate its efforts with the following entities that have parallel, supportive, complementary, and oversight responsibilities related to the program:

- 1) Division of Special Education (DSE) Projects and the Rapid Access Program (RAP),

All other LAUSD divisions, departments, offices, and branches (or “departments”) that plan and operate programs, design, construct, maintain, repair, and manage facilities, and communicate information about accessible features and services to program participants,

Los Angeles Bureaus of Street Services & Engineering, and Public Works Department,

Los Angeles County Department of Public Works for Barriers in the PROW, etc.,

Charter Schools using LAUSD facilities (but not the Independent Charter Schools that are simply permitted by the District to operate on their own properties without District support),

Other outside entities providing programs for the District, and

Federal, state, and local emergency management agencies and departments who work with the District during and following local emergencies.

Once the facility-related barriers that limit program access have been identified, prioritized, and selected for removal, the Facilities Access Compliance Unit will coordinate the efforts required to eliminate them. This will require data sharing and coordination with many different groups within LAUSD.

This Task Force will be led by the ADA Compliance Manager. The representatives from each subgroup within the District might be called departmental ADA Coordinators, or some similar title that would clearly designate them as the person responsible for overseeing or carrying out the detailed compliance responsibilities within their department. The Facilities Access Compliance Unit will be adequately staffed to perform the amount of work that will have to be identified, cataloged, analyzed, prioritized, assigned, coordinated, completed, and verified during the next five to eight years. Currently, the Access Compliance Unit consists of 18 Access Compliance Specialists, four Supervising Access Compliance Specialists, one Project Manager, two Senior Construction Engineers (both licensed architects), and one Facilities Access Compliance Manager.

6. Maintain accessible features and verify continued compliance

Finally, after the work identified in this Transition Plan is completed, the Access Compliance Unit will provide ongoing consulting for future new construction, alterations, maintenance, and repair projects at District facilities. The ACU will also work with other departments as new programs are added and relocated to verify that the program access obligations of the ADA continue to be met. It will continue to monitor existing District facilities to verify ongoing compliance with the program access requirements of the ADA. The ADA Compliance Manager will provide annual updates to the Board of Education and Superintendent. The Annual update will report the activities and accomplishments for the prior year and summarize program access barriers remaining for future removal. This report will serve as an

annual transition plan update assuring that the District will be able to remain in substantial compliance with the ADA program access requirements into the future.

7. Establish other necessary policies

The District will also need to develop other policies and procedures to carry out all the necessary steps to this plan, including those addressing the following:

Maintaining accessibility features on a daily basis

While principals, with the support of Maintenance and Operations staff, have overall responsibility for keeping accessible features accessible (e.g., ensuring that elevators are maintained), teachers and administrators will also have a responsibility at their locations. For example, whenever an entrance is open, at least one accessible entrance must be open. Clear floor space at doors, hydration stations, and other features must not be blocked by objects like trash cans or stored boxes. Accessible parking spaces and entrances must not be blocked or occupied by those without accessible parking placards. Assistive listening systems must be kept in working order. Staff and managers will correct or report problems.



Emergency evacuation and sheltering

The District and each school must have plans in place for evacuating or sheltering in place its students and visitors in case of an emergency, taking into account the needs of students and others with disabilities affecting hearing, vision, mobility, breathing (such as asthma); and those with emotional, intellectual, or behavior disabilities. These policies should address ways of giving notice of an emergency, how to leave the building (especially when elevators do not work), meeting places, and meeting the needs of people with disabilities when sheltering in place. Each facility's plan should be coordinated with local responders.

Accessible transportation

The District will also assess its process for providing accessible and timely transportation to students for school and activities, when transportation is provided for others, through accessible vehicles, such as buses that are lift-equipped, or an alternative (such as reimbursement to the parent for transportation or payment for a private transportation service). The District does have a policy addressing this issue but it will examine it closely for compliance with the requirement that people with disabilities be provided an equal opportunity to participate in programs and activities.

VII. Schedule and Additional Actions

In the fall of 2016, the District set the following milestones for action for the first stages of this plan.⁴²

- 1) By May 31, 2017 – Complete initial assessments (high-level overview surveys) of all campuses, revise the approach to site surveys, develop criteria for categorization, and obtain Superintendent approval of a 10-year plan to achieve compliance.

In September 2016, the Superintendent approved the outline of a ten-year plan, reflected in this document as Phase One, to be completed by 2025.

The initial assessments were completed in January 2017.

This document has been provided to the Board in April 2017 and upon receipt of public comment, the final document will be submitted to the Board in August 2017. Upon approval of this document, the Board will have approved the proposed Phase One plan for achieving program accessibility and the three-phase plan for achieving enhanced compliance.

By January 31, 2018 – Complete 150 surveys

By August 31, 2018 – Complete removal of barriers at 35 sites.⁴³

Priority is being given to school sites first in order to address direct student program accessibility needs. Administrative buildings will be addressed in Phase 2 and will be scheduled when the transition plan is reevaluated in 2024-2025.

Affiliated charter schools on District property and independent charter schools using space on District sites via Prop 39 will be addressed according to the same process as District schools.

The Charter School Division will ensure compliance by charter schools that are operated on non-District sites through the following eight-point plan:

- 1) Confirm Charter School Division ability to enforce CASp request of Charter School operators on private sites.

Confirm executive endorsement to extend District Oversight authority to compel charter school operators to complete transition plans.

⁴² Items 1 through 3 were provided to the Monitor to facilitate the District's disengagement from certain facility-related provisions of the MCD. These milestones were also provided to assist with the Monitor's determination that there are no systemic problems in the District's schools that prevent substantial compliance with special education laws' and regulations' program accessibility requirements. Item 3 has been modified to indicate "By August 31, 2018 – Complete removal of barriers at 35 sites," not 75 sites as previously stated.

⁴³ Currently, 32 schools to standards for Category Two and three schools for Category Three are Board-approved projects that have commenced varying states of design, procurement, and construction. Eighteen projects will be submitted to the Board for approval by fall 2017.

CSD Special Education staff prioritize compliance by Special Education population.

Create and launch online certification submission tool to monitor charter school operator compliance.

Create and send blast email communications introducing the program and making charter school operators aware of District workshops.

Provide workshop opportunities for charter school operators to better understand how to fulfill the requirement in a timely manner.

Identify charter schools having completed transition plans on the District Charter Schools Division website.

Initiate revocation process for those charter school operators that fail to comply.



VIII. Conclusion

The Los Angeles Unified School District is faced with a task of great magnitude and importance. It has taken significant steps to plan for increased access through development of this plan, completion of surveys, and commitment of funds. With this plan in place, the District can move forward to achieve greatly heightened program access throughout the District, based on its experience to date and dedication to the task.

Appendix A: Excerpts from Department of Education Self-Evaluation Guide

Program in its entirety

The Guide, on page 158, describes a “program” as spanning “all offerings open to any of the audiences served by the school district,” giving the following examples of programs or activities that, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities:

academic programs; food services; library services; health services; counseling; physical education; athletics; recreation; transportation; extracurricular activities, including school clubs and other after-school activities, as well as plays, concerts, or other performances open to the public; parent-teacher organization activities; graduation ceremonies; vocational programs; apprenticeship programs; and employer recruitment opportunities.

It goes on to say:

The school district should also consider the entire scope of its overall operation as one program made up of several parts or elements. In conducting the program review, the school district should examine each of the parts or elements that make up the whole. The district should ensure that its entire program, when viewed as a whole, is readily accessible to and usable by individuals with disabilities.⁴⁴

The Guide further explains, on pages 158 and 159, how service areas or district-wide services are to be considered “in their entirety,” emphasizing the importance of dispersing accessible schools throughout a service area while ensuring that the convenience, distances traveled, and choices of curricula and instruction techniques are comparable for students with disabilities and those without:

With respect to existing facilities, school systems should provide for access to persons with disabilities at schools dispersed throughout their service area so that students with disabilities can attend school at locations comparable in convenience to those available to students without disabilities. School districts do not have to make all of their existing classroom buildings accessible to students with disabilities, provided that all programs offered in inaccessible classroom buildings are also available in other accessible schools in the district, and that the accessible schools are comparable in convenience to those available to students without disabilities. It is important to note that school districts may not make only one facility or part of a facility accessible if the result is to segregate students with disabilities in a single setting. Also, where “magnet” schools, or schools offering different curricula or instruction techniques, are available, the range of choice provided to students with disabilities must be comparable to that offered to students without disabilities.⁴⁵

⁴⁴ Put another way, the Guide explains that under both regulations, accessibility to existing structures is defined functionally. Neither regulation requires public entities or recipients to make all existing facilities, or every part of the existing facility, accessible to and usable by individuals with disabilities, as long as the program viewed as a whole is accessible. Page 157.

⁴⁵ The Guide provides a helpful example about access to a magnet school on pages 162 and 163.

EXAMPLE: Is this school system's program, taken as a whole, accessible to persons with disabilities?

There are six elementary school buildings in a school district, of which four are one-story and two are two-story. The two-story buildings were constructed in 1958 and 1960, respectively, and are not physically accessible to persons with mobility impairments. All programs offered in the two-story buildings are available in the four other elementary schools, which are readily accessible to and usable by persons with disabilities. Special planning was done so that persons with disabilities can participate in all programs and activities. The amount of travel time from the homes of persons with disabilities to the accessible schools is comparable to the amount of time traveled by other children without disabilities within the school district of the same age. The school district is in compliance with Section 504 and Title II...

With respect to existing facilities, school districts may satisfy their obligations to make programs accessible to parents who have disabilities by reassigning their child to a school facility that is accessible.

Support facilities

This broader view of looking at programs in their entirety is also the approach Title II and Section 504 take toward such "support facilities" as rest rooms, water fountains, and parking spaces in existing facilities. Sufficient numbers of these accessible elements should exist that are reasonably convenient, usable in inclement weather, and appropriate to the use of a facility. Usage of the building is an important factor in addressing program accessibility concerns such as the number of rest rooms and drinking fountains required. Buildings in which an individual may spend extended periods of time should meet a higher degree of accessibility than those in which an individual spends relatively short periods of time.

(Emphasis added.)

Structural changes to eliminate barriers (pages 162-3).

The Guide offers this example of the application of the principle that structural changes must be undertaken if there is no alternative means to achieve program accessibility:

EXAMPLE: Are structural changes required in order to eliminate barriers in this high school?

A school district has one international relations magnet high school. The school building, which was constructed in 1956, is inaccessible to persons with disabilities. Inaccessible elements of the school building include, but are not limited to, the following:

- The two principal entrances to the first floor of the school are not accessible because of stairs
- The doors to all the classrooms and rest rooms are 28 inches wide
- The entrances to the stalls in the rest rooms are 30 inches wide, and there is no maneuvering room in any of the stalls
- The second and third floors of the building can be reached only by using stairways

Since this building houses the district's only international relations magnet high school program, either the entire program would have to be relocated to an accessible site or structural modifications to this building would be required [consistent with current standards]. The lack of access to the second or third floors may not be a violation of the law if required alterations are made on the first floor of the building, and if programs offered on the second and third floors can be relocated to the first floor when persons

with disabilities enroll in these programs. However, if these programs cannot be relocated to the first floor, an elevator or platform lift may have to be installed.

If structural modifications are undertaken, required structural changes would include the following:

- the installation of a ramp so that one principal entrance to the first floor is accessible for a sufficient number of classrooms, including those where specialized programs are located (e.g., a science lab)
- at least one door leading into or providing an exit for classrooms would have to be widened
- a sufficient number of rest rooms would have to be altered that are reasonably convenient and appropriate to the use of the facility

The perceived differences between “elementary” and “barrier-free” access, as to program accessibility

The Guide also points out two misconceptions about program accessibility:

There is a common misconception that there are many major differences between the program accessibility requirements of Title II and Section 504. One basic misconception is that under Section 504, only the most elementary access to a program is required (e.g., an accessible entrance and an accessible rest room) and that under Title II, buildings must be fully accessible and barrier-free. In reality, *neither* regulation requires that existing buildings offer a barrier-free environment as long as there is program accessibility.

(Underlining added.) Page 156.

Alternative means of providing access: relocation within a site

The guide specifically describes and explains the use of relocation or reassignment of services to an accessible location, as one method of making programs and activities accessible, with the example of relocating classes or activities to accessible ground-level floors within a building or reassigning them to other buildings that are accessible.

EXAMPLE: Is program relocation an appropriate option for this school?

A two-story elementary school building was constructed in 1952. The primary entrance, the gymnasium, the cafeteria, the administrative offices, and the library were altered and made accessible to and usable by persons with disabilities. Classrooms, rest rooms, and drinking fountains on the ground-level floor of the building were also altered in order to make the ground-level floor of the building accessible to and usable by persons with disabilities. A sufficient number of parking spaces were redesigned in order to be made accessible to and usable by persons with disabilities. Appropriate vertical signs showing the international symbol of accessibility were placed at the accessible parking spaces.

However, no alterations were made on the second floor, and the building has no elevator. Fourth grade classrooms are located on the second floor.

A student with a mobility impairment enrolls as a fourth grader in the school. The school may achieve program accessibility by relocating the programs and activities that the student will be attending to the first floor.

(Page 161.)

Alternative means of providing access: assignment of aides

Another means of providing access without making physical changes in some circumstances is to assign aides to perform certain tasks that will enable persons with disabilities to participate in programs [28 C.F.R. § 35.150(b)(1) and 34 C.F.R. § 104.22(b)].

For example, aides may be required to ensure that persons with disabilities are able to exit safely from program areas in the event of an emergency. Also, if equipment in a laboratory class is inaccessible to a student with a disability, in order to meet the program accessibility requirements of Title II and Section 504, a human aide may be assigned to assist the student in the laboratory class. In addition, aides may retrieve books for students with mobility impairments if portions of the library are inaccessible. The aides must be available during the operating hours of the library.

(Page 162.)

Alternative means of providing access: purchase, redesign, or relocation of equipment.

The regulations also include the purchase, redesign, or relocation of equipment as other methods of making programs accessible [28 C.F.R. § 35.150(b)(1) and 34 C.F.R. § 104.22(b)]. The Guide explains:

"Equipment" includes items that generally make the building functional as well as items that are integral to participation in specific programs, activities, or services, such as work stations, study carrels, and machinery. In many cases, equipment can simply be relocated or raised or lowered to make it usable by an individual with disabilities; in other cases, redesign may be necessary. Redesign of equipment may be a fairly simple and inexpensive process, such as relocating a control panel, replacing grip/twist devices (e.g., doorknobs and drinking fountain faucets) with levers, altering door closure devices, and providing audible or visual signals for individuals with visual or hearing impairments.

It is important to note that the effectiveness of various alternatives should be considered before undertaking the redesign of equipment. For example, a fire alarm that has not been wired to give a visual as well as an audible signal does not automatically violate the Section 504 or Title II regulations. If other methods of communicating danger to individuals with hearing disabilities are provided and are effective in emergency situations, visual signals are not required. In classrooms, cafeterias, and auditoriums, there are generally sufficient numbers of people who would be aware of danger that risk to a person with a hearing disability would be minimal. However, there are situations in which such activity could not be perceived and oral communication would be ineffective. Such situations might include library study areas or other relatively isolated areas. In such cases, redesign of equipment may be the only effective means of communicating danger to individuals with hearing disabilities.

Appendix B: Initial Facility Assessment Survey Form

SEE SEPARATE DOCUMENT App.B.InitialFacil.xlsx

Appendix C: Program Access Field Questionnaire

School Name:

Principal's Name:

Date:

Is there an AP/EIS (Assistant Principal/ Elementary Instructional Specialist) or Responsible Staff contact info?

What is your total staff count?

How many staff have qualified disabilities?

Does any of the staff have a reasonable accommodation?

Yes

No

What is the total student body count?

How many students with disabilities?

How many Non-Special Ed students are using mobility devices?

How many AUT (Autistic) Students?

How many students with MD (multiple disabilities), MRS (mentally retarded severe), OI (orthopedically impaired)?

How many Deaf/Hard of Hearing students?

How many VI (Visually Impaired) students?

Do you have any other students with disabilities not listed? Please list those disabilities.

Are there assistive listening devices installed in:

Multipurpose Room

Library

Classroom

Are there passing lights in:

Multipurpose Room

Library

Classroom

Are there any noise reduction modifications in:

Multipurpose Room

Library

Classroom

What areas do these students have access to?

What classrooms are being used by these students?

What grade levels are assigned to the upper floors?

Appendix D: Public Access Field Questionnaire

School Name:

Date:

Is there a bus drop off with signage?

Yes

No

Where is your Passenger Loading Zone?

Where is your Bus Loading Zone?

Are there accessible entrances to all locations students have access to?

What restroom facilities do students with disabilities use?

Are the restrooms serving these students accessible?

Yes

No

Are they comparable to General Ed Facilities?

Yes

No

Is the Nurse's Office accessible?

Yes

No

Is the gym and all elements serving it accessible?

Yes

No

Are the drinking fountains accessible?

Yes

No

Are the food service areas accessible?

Yes

No

Are the dining tables / benches accessible?

Yes

No

Is the computer lab accessible?

Yes

No

Is the library accessible?

Yes

No

Are truncated domes provided in areas where circulation crosses a vehicular area?

Yes

No

Are there protruding objects or overhead clearances that pose a hazard to a person with vision disabilities?

Yes

No

Is there an accessible changing area provided with maneuvering space?

Yes

No

Is adequate maneuvering space provided for the various types of equipment?

Yes

No

How many changing rooms are utilized?

Are students changed in the classroom?

Yes

No

Do changing rooms have...

A changing table

Adequate ventilation

Adequate maneuvering space

Hot and cold water - tepid water

Where are the changing tables located?

Does the principal provide accommodation for student activities or programs above or below ground floor?

Yes

No

If a parent with a mobility disability requires a conference on the upper or lower floors, what accommodation is provided?

Is the school site parking used by the public?

Yes

No

Does the public use the auditorium?

Yes

No

Is the school a polling place?

Yes

No

Location, where polling takes place

What parking lot facility do they use?

Is the Uniform Complaint Procedure posted?

Yes

No

Is the ED Equity Compliance Section 504 Brochure readily available?

Yes

No

Notes:

Appendix E: Public Outreach

Outreach Resource	Frequency of Use	Brief Description
BlackBoard Connect	<ul style="list-style-type: none"> • 10 days prior to forum • Night prior to forum 	Recorded messages delivered to all L.A. Unified parents and school personnel.
Phone Bank with Division of Special Education	<ul style="list-style-type: none"> • 5-10 days prior to the forum by Local District 	Division of Special Education identified two lists for targeted phone calls delivered by the Special Education Teams located in each Local District. The first list included families with an accessibility request included in the IEP and the second list included families of students with disabilities with the following eligibilities: DBL, DEA, HOH, MDH, MDO, MDV, OI and VI.
Text Messages & Emails	<ul style="list-style-type: none"> • 10 days prior to forum date • 1 day prior to forum date 	Text messages and emails were delivered to families and personnel enrolled in the L.A. Unified BlackBoard Connect portal.
Mailers	<ul style="list-style-type: none"> • Mailed 2 weeks prior to a forum 	The Facilities Services Division and the Office of the Superintendent printed and delivered flyers by mail to L.A. Unified families included in the directed outreach lists.
Mailers	<ul style="list-style-type: none"> • Delivered to school sites prior to forums 	The Facilities Services Division and the Office of the General Counsel printed and delivered 500 flyers to 117 school sites near the forum locations throughout the District.

Outreach Resource	Frequency of Use	Brief Description
Mailers	<ul style="list-style-type: none"> • Emailed to Disability Rights Advocacy Groups 	<p>The Facilities Services Division and the Office of the General Counsel emailed and/or mailed flyers to:</p> <p>Disability Rights Advocates (DRA) http://dralegal.org/ Californians for Disability Rights http://www.disabilityrights-cdr.org/index.html</p> <p>CALIF – Communities Actively Living Independent and Free http://califilc.webs.com/</p> <p>All Centers for Independent Living in Los Angeles (http://www.drcinc.org/images/ilc%20001.jpg)</p> <p>Independent Living Center of Southern CA (http://ilcsc.org/) Administration Office 14407 Gilmore Street, #101, Van Nuys, CA 91401 Email: ilcsc@ilcsc.org</p> <p>Westside Center for Independent Living (http://www.wcil.org) 12901 Venice Boulevard Los Angeles, California 90066 E-Mail: development@wcil.org</p> <p>Disability Rights Legal Center (http://drlcenter.org/) Mailbox Only Disability Rights Legal Center 350 South Grand Avenue Suite 1520 Los Angeles, CA 90071 Email – DRLC@drlcenter.org.</p> <p>Learning Rights Center (http://www.learningrights.org/) 205 S. Broadway, Suite 808 Los Angeles, CA 90012</p> <p>Family Resource Centers (http://www.frcnca.org/) 1331 Garden Highway Sacramento, CA 95833 info@frcnca.org</p>
Social Media Posts	<ul style="list-style-type: none"> • Posted multiple messages prior to and during the forums 	<p>Posts on social media included Facebook and Twitter using the account for Superintendent Michelle King and the main L.A. Unified pages. The messages included links to a survey for the ADA Title II Public Listening Sessions and the flyer.</p>

Outreach Resource	Frequency of Use	Brief Description
L.A. Unified Webpage	<ul style="list-style-type: none"> Announcement posted 10 days prior to the first forum and was live through the end of the forum series 	The announcement included a direct link to the flyer and the survey.
Division of Special Education Webpage	<ul style="list-style-type: none"> Announcement posted 6 days prior to the first forum and was live through the end of the forum series 	The announcement included a direct link to the flyer and the survey.
Special Education Ad Hoc Committee Meeting	<ul style="list-style-type: none"> Announcement and presentation provided at meeting 6 days prior to the first forum 	The Office of the General Counsel and the Facilities Services Division announced upcoming forums and presented overview of the ADA Title II Public Listening Sessions.

Appendix F: Feeder Schools and Clusters

Appendix G: Schedule for Facility Accessibility Improvements

SEE SEPARATE DOCUMENT Appendix G – Schedule for Facility Accessibility Improvements.xlsx

Appendix H: Details of Accessibility Categories and Technical and Scoping Criteria

A. Universal Principles

The following ADA requirements apply to all categories:

- 1) New construction and alterations must meet applicable new construction or alteration standards. 28 CFR 35.151(a)(2).⁴⁶

In new construction, full compliance is excused when compliance is “structurally impracticable,” which applies in circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. 28 CFR 35.151(a)(2)(i).

Alterations need not be made if they would threaten or destroy the historic significance of a building or facility. 28 CFR 35.151(a).

Alterations must comply with the standards “to the maximum extent feasible.” 28 CFR 35.151(b). Other specific exceptions are included in the regulation. For purposes of this plan, an example of application of this exception is that strict compliance with accessibility standards may not be required for existing elevators when existing shafts prevent full compliance. Some elevator shafts would not accommodate a fully complying elevator cab but might accommodate a cab with only slightly reduced clear floor space. In that case, the District might use a slightly modified configuration if it is not feasible to increase the size of the shaft.

Under the ADA regulations, each element or space that is altered must follow the ADA standards to the maximum extent feasible. In addition, if a “primary function area” (any space where a major activity takes place, such as classes or meetings, events, counseling, recreation programs, and dining) is altered, the “path of travel” requirement is triggered. An accessible “path of travel” must be provided to the primary function area (but no more than 20 percent of the cost of the original alteration must be spent for this purpose). The path of travel includes a route connecting the altered space to the entrance and approaches to the building, the restrooms serving the altered space, and the drinking fountains and public phones serving that area. However, when alterations are undertaken solely to meet program accessibility requirements, the path of travel requirement does not apply.

Assembly areas:

⁴⁶ To the extent prior new construction or alteration does not meet the standards that were applicable at the time of construction, modifications will be made in later phases.

- For seating areas in existing assembly areas, accessible seating can be provided through designated grade-level seating with companion seating, or by installing portable bleachers that comply with Section 221.2.3.2 of the ADA Accessibility Standards. The Standards provide that wheelchair spaces shall not be required to be provided in rows other than rows at points of entry to bleacher seating. ADA Standards section 221.2.3.2, Exception (2).
- Unless an assembly area is otherwise altered, the accessible route to accessible seating can be on a route that is not necessarily the shortest route.

None of the exceptions or deviations relieve the District of the obligation to provide program access.

B. Technical and Scoping Criteria for Categories One, Two, and Three

Category Three: Schools with Core Access

These Category Three criteria set a baseline for accessibility for all three categories.

The core spaces of schools in Category Three will be made accessible, in order to ensure a basic level of access to the building (certain common spaces), including –

1) Public parking and drop-off/approach points

An accessible entrance

Access from public parking/drop-off/approach points to the entrance

Access to main office

Access to at least one assembly area, including all high school gymnasiums

Access to a library

Some restrooms, drinking fountains/hydration stations, etc.

Directional signage

Areas used for community meetings, graduation ceremonies, voting, emergency sheltering, etc. and access routes to them

Other areas available to the public such as controlled public restrooms, auditoriums, multi-purpose rooms, indoor and outdoor athletic venues (excluding practice facilities)

Criteria for Category Three

1) **Passenger loading zones**

- a. Provide one accessible loading zone located along an accessible route accessing the Main Entrance of the facility, and complying with the alteration standards to the maximum extent

feasible. If there are multiple schools within one campus, provide one accessible loading zone located along an accessible route accessing the Main entrance of each of the individual school entrances (if separate).

- i. Slopes, locations, and other features of existing City and/or County streets, walks, etc. that are not under the control of LAUSD may prohibit full compliance of loading zones in some instances. The District will make its best efforts to request action by the City or County when needed and/or to provide access to the maximum extent feasible in light of existing conditions.

2) Accessible entrance

- a. Provide an accessible main entrance to each facility
 - i. Where it is technically infeasible to provide access at the main entrance, provide an accessible entrance nearby that is at, all times when the building is open, unlocked or locked and monitored
 - ii. In historic facilities, the accessible entrance can be an alternate entrance)
- b. Provide an accessible route as specified in Accessible Route (item 4), below.
- c. Place directional signage at inaccessible entrances to indicate locations of accessible entrances. Place the International Symbol of Accessibility at designated accessible entrances.
- d. If the accessible entrance is a secured entry and is therefore not open for pedestrians to freely enter the campus, provide a Two-way Communication and Camera system at that entrance, with active monitoring at all times when an entrance to the building is open. This ensures that the School maintains its security but still ensures ready and convenient access for people with disabilities at all times when the building is open.

3) Accessible parking available to the public (Categories One through Three)

- a. Provide at least the number of accessible parking spaces required by the applicable codes and standards.
- b. Locate accessible parking spaces along the closest accessible route to the accessible entrance of the building/facility, with an accessible route that does not run behind other vehicles.
- c. Provide access to an adjacent accessible route via curb ramps, sloped walkway, etc.
- d. Restripe existing spaces/aisles that do not comply with the overall requirements for width and length.
- e. Re-grade existing accessible spaces/aisles that exceed 2.5% slope. However, in accessible parking spaces and aisles, slopes measuring as high as 3.2% shall not be required to be remediated when those slopes are isolated or do not extend for an area measuring more than 6 feet.
- f. Provide signage for accessible parking spaces and tow away warning.

4) Accessible Route

Note that an accessible route for these purposes is not the same as a path of travel as defined for an alteration/renovation project under the California Building Code and/or the ADA regulations for Title II at 28 CFR 35.151. An accessible route is one that is free of the following: abrupt vertical upheavals/depressions that exceed $\frac{1}{2}$ ", curbs, stair-only access. An accessible route also has compliant widths of walkways (not sidewalks in the right of way) and doorways through which the route passes.

- a. Provide all schools with an accessible route from accessible parking spaces, accessible passenger loading zones, and the public right-of-way, streets, and sidewalks to the

accessible entrance of the building/facility. The accessible route shall also extend from the building/facility entrance into the main office.

- b. In facilities that have been identified as Category Three, the accessible route will not extend to temporary/bungalow buildings. The Rapid Access Program will be available to provide the necessary access to temporary/bungalow buildings when there is a program need that cannot be resolved through operational means. However, the accessible route will extend into each of the permanent buildings on campus, along with common areas, and areas with Public Access.
- c. Remediate existing walkways that exceed 6.0% running slope to a maximum 5.0%. Or, where existing conditions allow for a compliant ramp, install handrails/wheel guides.
- d. Remediate existing walkways that exceed 3.5% cross slope to a maximum of 2.08%. This does not apply to secondary routes that are not identified as the primary accessible route.
- e. Remediate existing ramps that are part of accessible routes exceeding 10% gradient to 8.33% maximum. However, existing ramps that have landings with inadequate depth for full accessibility may need to be reconfigured to require existing running slopes measuring between 8.33-9.9% to be reconstructed to a maximum of 8.33%.
- f. Accessible routes shall be firm and stable.
- g. Remove or protect protruding objects and vertical hazards along the accessible route, with the exception of fire pull stations that extend more than 4" into the accessible route.
- h. Remediate surface openings (such as grates) that are along the accessible route if they exceed ½" width perpendicular to the route of travel.

5) Access to the Main Office

- a. Provide an accessible route from accessible parking spaces, accessible passenger loading zones, and the public right-of-way, streets and sidewalks to the accessible entrance of the building/facility and extending from the building/facility entrance into the main office.
- b. Provide an accessible reception counter or operational means of serving individuals, such as bringing items from the back of the counter, offering a clipboard for signing documents, or coming around the counter to greet or welcome a person.

6) Access to Assembly areas

- i. Accessible seating
- ii. Interior routes complying with accessible routes identified under Item #4 of Criteria for Category Three
- iii. Vertical access to the performance area (stage)
- iv. Restrooms: one accessible restroom for each gender, or an accessible Unisex restroom
- v. One accessible hi-low drinking fountain
- vi. Assistive Listening System (ALS): a portable ALS is acceptable for program accessibility purposes, until a future alteration is performed, where there has been no alteration/new construction since January 26, 1992
- vii. Accessible ticket booth and concessions
 - Accessible service counter with clear floor space or
 - Operational means of service, such as bringing items from the back of the counter, or coming around the counter to accept cash

- b. Gymnasium (typically in middle schools and high schools)
 - i. Accessible seating
 - ii. Restrooms: one accessible restroom for each gender, or an accessible unisex restroom.
 - iii. One accessible hi-low drinking fountain
 - iv. Assisted Listening System: a portable ALS is acceptable for providing program accessibility, until a future alteration is performed, where there has been no alteration/new construction since January 26, 1992
 - v. Vertical access to a stage or performance area if one is provided
- c. Outdoor sports areas (high schools)
 - i. Accessible seating
 - ii. Restrooms: one accessible restroom for each gender, or an accessible Unisex restroom.
 - iii. One accessible hi-low drinking fountain
 - iv. Assisted Listening System: a portable ALS is acceptable for providing program accessibility, until a future alteration is performed, where there has been no alteration/new construction since January 26, 1992
- d. See Universal Principles, Section A, item 6 above, about seating and accessible routes.

7) Restrooms

- a. Controlled public restroom (typically serving as staff restrooms that are near the administrative offices, but can serve parents and community members who have business at the school): One accessible single occupancy unisex restroom or one for each gender.
- b. Student restrooms
 - i. A minimum of one accessible boys and girls restroom in a location central to the most heavily populated student areas.
 - ii. If it is determined that one set of accessible restrooms will not provide adequate coverage of the campus, provide additional accessible restrooms. This would typically only apply to larger facilities such as middle schools and high schools.
- c. Restrooms provided at public access areas: one accessible restroom for each gender, or at a minimum a single accessible unisex restroom where restrooms are available to the public. These areas generally include auditoriums, multipurpose rooms, gymnasiums, stadiums, and outdoor performance areas.

8) Drinking Fountains

- a. Accessible drinking fountains in a location central to the most heavily populated student areas
- b. Accessible drinking fountains near the lunch shelter/eating area, and nearest the playground

9) **Directional Signage:** Provide directional signage at inaccessible entrances, elevators, and toilet rooms or bathing rooms, indicating the location of the nearest accessible space or element of that type.

10) Food service areas

- a. Accessible queue lines: Provide at least one accessible queue line per food service area

- b. Accessible lunch tables: Provide accessible seats or spaces in an amount that equals at least 2 percent of the total seats or spaces in each food service area

11) Service counters

- a. Accessible service counter in each area containing service counters, with clear floor space

or
- b. Operational means of service, such as bringing items from the back of the counter, or coming around the counter to accept cash

12) Play areas

- a. Provide accessible ground level play component(s)
- b. Provide accessible transfer steps/platform to allow access to elevated components

13) Libraries

- a. An accessible entrance
- b. An accessible computer workstation
- c. An accessible reception counter/workstation at librarian's desk

Category Two: Program-accessible schools

In addition to the requirements for Category Three schools, provide the following:

1) Access to and use of at least once accessible area for each program, service, or activity offered at the site, for example:

- a. First-grade classroom, second-grade classroom, chemistry lab, art studio, music room, etc.
 - i. One accessible entrance to the space
 - Clearances
 - i. A minimum 32" clear opening
 - ii. Proper door maneuvering clearance on the pull side and the push side of the entrance, including strike side clearances
 - Remediated existing slopes at door landings if the slope exceeds 2.5%
 - Door hardware that does not require tight grasping and twisting of the wrist to operate
 - Door threshold: maximum ¼" elevation, or a maximum of ½" elevation with beveled transition.
 - Door closer
 - i. Remediated exterior door force when measuring in excess of 8.5 lbs.
 - ii. Remediated interior door force when measuring in excess of 6 lbs.
 - iii. Remediated fire rated door for when exceeding 15 lbs.
 - Tactile room identification at the accessible entrance to the program.

2) Locker rooms

- a. Accessible entrance
- b. Interior routes complying with accessible routes identified under item #4 of criteria for Category Three.

- c. An accessible shower, where the other showers are in operation, or if the school has been identified by the American Red Cross as an emergency shelter.
- d. An accessible bench when benches are provided
- e. 5% of the available lockers accessible
- f. Restrooms: an accessible restroom in accordance with the gender the locker room serves

3) **Additional areas not already covered under Category Three (Auditoriums, theatres, libraries)**

- a. Outside performance areas
 - i. Vertical Access to the performance area (stage)
 - ii. Assistive Listening System: a portable system is acceptable to provide program accessibility.
- b. Outdoor sports areas (football stadiums, tennis courts, baseball fields, etc.)
 - i. Accessible seating
 - ii. Vertical access to the performance area
 - iii. Restrooms
 - Provide one accessible restroom for each gender, or an accessible Unisex restroom.
 - Directional signage to the nearest available restrooms.
 - iv. Assistive Listening
 - A portable system is acceptable to provide program accessibility
- c. Swimming pools, and play areas
- d. Food Services
 - i. Accessible queue lines (see criteria in Category Three)
 - ii. Accessible lunch tables: Provide accessible seats or spaces in an amount that equals at least 5 percent of the total seats or spaces in each food service area
 - iii. Service counters (see criteria in Category Three)
- e. Library
 - i. Provide accessible aisles between book stacks.

4) **Restrooms**

- a. Student restrooms
 - i. Provide a minimum of one accessible boys and girls restroom where there are programs, services, and activities required to and deemed to be accessible as determined by the Access Compliance Unit. If there is more than one restroom for each gender located on a floor, only one restroom for each gender will be made accessible.
 - ii. Unless it is technically infeasible, a student with a disability should not have to leave a building where there are accessible programs, services, and activities located within, in order to access an accessible restroom.
 - iii. It should be noted that a student should not have to travel more than 200 feet to access an accessible restroom, unless other students with no disabilities must travel the same distance to access a restroom.

5) **Drinking Fountains**

- a. Where drinking fountains are already provided in support of programs, services, and activities, a minimum of 50% but no less than one, accessible drinking fountains.

6) **Accessible route**

- a. Accessible route extending into all spaces that have been identified by LAUSD as having/needing accessible programs, services, and/or activities, in accordance with the criteria in sections 4c, e, f, g, and h of Category 3.
- b. Any designated accessible route with greater than 2.8% cross slope re-graded to 2.08% to the maximum extent feasible. However, the maximum extent feasible will be interpreted to mean that cross slopes measuring as high as 3.2% shall not be required to be remediated when the distance of those slopes does not extend for more than 6 feet in the direction of travel.

Category One: Key Schools (highest level of access – program access plus)

These schools are identified as either Category 1A or 1B as follows:

1A: Full accessibility: Schools that were built to new construction standards, or altered to achieve full compliance with the new construction or alteration requirements, as applicable.

1B: High accessibility: Schools that have been altered or will be altered to meet alteration standards, with some limited exceptions. On some campuses with multiple buildings, a substantial number of buildings have undergone comprehensive modifications; those individual buildings will meet the criteria for new construction/alteration standards. In some instances, a stadium, separate indoor assembly area, or building(s) on that campus may not have been within the scope of the alteration performed as part of a major modernization project.