



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Compliance with Title II of the Americans with Disabilities Act (ADA)

NUMBER: BUL-046982.1

ISSUER: Devora Navera Reed, General Counsel
Office of the General Counsel

DATE: October 24, 2022

POLICY: Title II of the Americans with Disabilities Act of 1990 (ADA; and as amended) and with Section 504 and Section 508 of the Rehabilitation Act of 1973 (Section 504, Section 508, respectively) requires the District to provide services, programs and activities to students with disabilities, as well as to parents, visitors, and community members with disabilities who use District facilities. It is the responsibility of all District employees, contract professionals, and third-party vendors to provide and maintain facilities and technology in a manner that offers an equal opportunity to the District's programs, services, and activities. District employees are also required to comply with the Board-approved *Self-Evaluation and Transition Plan* (Transition Plan), which outlines transition goals for Title II compliance under the ADA. To ensure compliance with these requirements, employees receive training on the ADA, District policy, disability awareness, web accessibility, and facility and program accessibility related to their areas of responsibility.

The purpose of this Policy Bulletin is to outline ADA compliance and non-discrimination responsibilities, ensure District employees are aware of the rights of individuals with disabilities, raise awareness of existing support resources, and inform district employees regarding training requirements.

MAJOR CHANGES: This Policy Bulletin replaces BUL-046982 issued on March 1, 2018. Major changes to this version include updates to Attachment B – Technical Contacts for ADA Compliance

GUIDELINES: **I. RIGHTS OF INDIVIDUALS WITH DISABILITIES**

Individuals with disabilities may voluntarily provide information about their disabilities; however, they are not required to disclose that they are disabled. It is improper and illegal to ask a person the nature or extent of their disability. If a District employee makes an assumption that an individual is disabled, whether or not they are disabled, it creates an obligation by the District, and its employees,

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All Locations



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to recognize all the rights and provide the protections of a person who is disabled. However, inquiring about whether an accommodation is necessary due to a disability, or how to provide accessibility (without asking the nature or extent of a disability), is acceptable.

Individuals with disabilities are required to be treated with dignity and respect. As required under the ADA and Section 504, the District prohibits discrimination, harassment, intimidation and bullying against individuals based on any actual or perceived physical or mental disability. Non-discrimination in District policies and procedures provides equal opportunity and equal access to students and parents with disabilities, and effective accessibility strategies ensure inclusion and communication of important information. The annually updated Parent Student Handbook provides a detailed Nondiscrimination Statement with respect to current requirements. The Parent and Family Engagement Policy, also included in the handbook, states students with disabilities have the right to access school-based programs and activities, and accommodations or special consideration is to be made for parents who are disabled.

Accessibility for students, parents, and others who visit schools and their related facilities, is the responsibility of each Principal (or designated Site Administrator) and maintenance staff. To assist with this, other staff, including certificated and classified school based and non-school based staff, are responsible for maintaining accessibility in their respective work areas.

In accordance with the United States Department of Justice prescribed format, the District posts a “Notice under the Americans with Disabilities Act” (Attachment A), which informs the public of the District’s adherence to ADA law and regulatory requirements, and the District’s commitment to equal access for students, parents, visitors, and members of the community with disabilities. The ADA notice is posted on the District’s ADA Compliance web page, linked to other District web pages with related information, posted in public areas of schools and facilities, and provided in alternative format as needed upon request. The District’s adherence to Section 508 requirements ensures equal access to information and equal opportunity to respond through new and emerging technologies.



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Individuals with disabilities, and other concerned individuals, who encounter a barrier for a specific individual need should contact the Principal (or designated Site Administrator), or responsible staff at a non-school site, for assistance. If an accessibility concern is expressed to any other District employee who does not oversee the site, it is the responsibility of that employee to report the concern to the Principal (or designated Site Administrator) as soon as possible but no later than three (3) school days from receiving the concern, or to contact ADA compliance technical staff directly to report the concern. Attachment B provides a list of ADA compliance technical staff who can receive accessibility concerns, and who are available as a resource for employees or the public for ADA-related concerns. ADA compliance responsibilities are included in the ADA Title II Compliance Training, which is a required training for all District employees.

II. GRIEVANCE PROCEDURE

In accordance with the United States Department of Justice prescribed format for notification of ADA Title II-related complaints and grievances, the District posts a “Grievance Procedure under the Americans with Disabilities Act” notice (Attachment C) to ensure individuals with disabilities and other concerned individuals are aware of the District’s policies and processes for complaints and grievance appeals. The grievance notice is posted on the District’s ADA Compliance web page, linked to other District web pages with related information, posted in public areas of schools and facilities, and provided in alternative formats as needed upon request. The grievance procedure document identifies the LAUSD Uniform Complaint Process (UCP) as the mechanism for receiving and processing of discrimination complaints and grievance appeals. Through the UCP, the District will promptly investigate any complaints of disability-based discrimination, harassment, intimidation and/or bullying, and take reasonable actions to stop future incidents upon receipt of such complaint. Complaints should be filed using the online UCP within statutory timelines, with alternative formats available to individuals with disabilities upon request. Any person with a disability who is unable to prepare a written complaint can receive assistance. Attachment B includes information to request assistance.

III. ACCESSIBILITY



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The District is required to provide accessibility to educational services, programs and activities for students with disabilities. School Principals (or designated Site Administrators) are responsible for ensuring accessibility, or a modification to policies and practices, to provide equal access to parents, visitors, and community members who have disabilities.

Accessibility by individuals with disabilities pertains not only to schools and facilities, but also to programs and activities by those individuals who are otherwise qualified to participate in those programs and activities. To avoid discrimination and to best position the District for program access compliance, school programs and activities must be designed from the outset to be accessible to individuals with disabilities.

Access barriers may take on different forms which may be related to facilities or programs and activities. The District's ADA Title II Compliance training modules for school and non-school site administrators and classified supervision staff will include identifying barriers, receiving concerns, and collecting key information. Examples of potential barriers are those found in primary routes or heavily traveled routes, entry points, or doorways. Attachment D provides a list of additional examples of other areas commonly checked for barriers. Examples of key information to collect when receiving a concern include date, name and contact information of the person reporting an accessibility need, name of school or site, and description of the barrier. In addition to training, the District provides technical staff experienced in ADA compliance, regulations, and requirements as a resource for employee inquiries and consultation on possible barrier removal and other remedies or solutions.

A. Operational Solutions

Operational solutions are barrier removal solutions which do not directly involve construction activity. Operational solutions may entail acquisition and installation of non-construction materials or assistive equipment, moving furniture or fixtures, or matching students to existing accessible rooms or locations. They may be individually identified as an appropriate long-term solution or as an interim solution until scheduled construction work is completed.



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For this reason, operational solutions are always appropriate first considerations when an accessibility need arises.

Operational solutions that are required to ensure access to a free appropriate public education (FAPE) for students with disabilities with an Individualized Education Program (IEP) or Section 504 Plan should be considered and addressed in an IEP or Section 504 team meeting in accordance with IEP or Section 504 process guidelines. See Related Resources section of this policy for more information.

School Principals, Site Administrators, and other specified school staff are provided training in applied operational solutions and reasonable modification to policies and procedures. As operational solutions or reasonable modifications for specific individual needs may be required without prior notice, and at times need to be addressed immediately, staff will be required to draw on their training, knowledge and the resources provided to begin addressing the accessibility need.

B. Facility Improvements

School Principals (or designated Site Administrators), in collaboration with ACU, are required to develop plans that ensure readily accessible programs, services, and activities during construction. These plans need to consider accessibility needs, speed and/or timing needed to implement the solution. Additionally, these plans need to address any other issues associated with required accessibility efforts, including a determination of an interim operational solution when necessary. Based on the scope of the construction-related solutions, it may be designated for the Rapid Access Program (RAP) which is designed for construction projects that are deemed to be rapid and minor or for critical barrier removal projects which require more time to complete.

School Principals (or designated Site Administrators) should take aggressive steps to anticipate the accessibility needs of their student populations, matriculating students, parents, and visitors who must have access to various programs and locations throughout the facility for which they are responsible. As the needs of the District's students and visitor populations are dynamic, should a physical barrier prevent accessibility, an accessibility request can be made. In addition, the accessibility request can be made in



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consultation with ADA compliance technical staff as needed (Attachment B). In consulting with these designated staff, an operational solution may emerge as the best overall solution to a specific circumstance. If a RAP or critical barrier removal is determined to be the appropriate solution, an interim operational solution will be developed to provide immediate access. To improve the flow and timeliness of requests and responses, District staff are to follow the prescribed accessibility request process, which is included in staff training.

In addition to the RAP and critical barrier removal projects, the District implements major construction for accessibility at schools to remove barriers according to the process set forth in the District's Transition Plan. As required by ADA law, new school construction and schools undergoing major renovation are designed in accordance with the then-current ADA standards and regulations, as well as state and local laws and ordinances, including California Building Code regulations and emergency planning requirements.

IV. MAINTAINING ACCESSIBILITY

Maintenance of accessible facilities and programs is vital. As the District invests resources to ensure accessibility, through construction or operational means, maintaining access to facilities will ensure continuous accessibility and maintained value. Maintaining accessibility is ultimately the responsibility of each school Principal (or designated Site Administrator). In support of their efforts, other certificated and classified school and non-school based staff are individually responsible for maintaining accessibility in their respective work environments. Responsibility examples include:

- School Principals (or designated Site Administrators) ensuring the public has access into the school, school office, and school community events, and ensuring students have access to common areas such as food service, quads, multi-purpose rooms, and restrooms. In addition to the physical locations, the Principal (or designated Site Administrator) is to ensure program access is provided to all students who otherwise meet all other participation requirements. Accessibility should be considered when developing a new program, or replacing an existing program, or when individual needs are not met for an existing program.



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- Maintenance and Building and Grounds staff ensuring walkways and ramps are unobstructed by removing objects which create access concerns.
- Teachers ensuring accessibility to materials, sufficient space for student movement about the classroom, parent/caregiver movement during conferences, and planning activities that assures accessibility for individual students.

Each School Principal (or designated Site Administrator) is responsible for carrying out an annual accessibility review using the *Accessibility Review Checklist* provided in the training. The annual review is to confirm the following:

- Verification of continued compliance in facilities and/or operational solutions for individual accessibility needs
- Accessibility requirements for programs and planned activities are being met
- Accessibility for matriculating students and new students with disabilities
- Preparation for new or emerging accessibility needs that are ready to be implemented upon request

Daily and other periodic maintenance schedules are to include accessibility reviews, such as clear pathways, unobstructed ramps, accessible rest rooms and water fountains, and maintaining the functions of any special equipment such as adjustable tables. Regular school program evaluations are to include accessibility compliance reviews in the areas of accessible space and work surfaces, accessible activities, printed or visual material, and audio/visual materials such as slideshows or video presentations.

School Principals and Site Administrators, Maintenance and Building and Grounds staff, teachers and other school staff as noted above will receive specific training on responsibilities in the Maintaining Accessibility module within the *ADA Title II Compliance* training. Annual review requirements are included in the training, and a checklist of common accessibility measures is provided as a resource.

V. EMERGENCY COORDINATION

In concert with the District's annual emergency evacuation or lockdown practices, emergency plans are to be evaluated annually for accessibility along with the annual accessibility review noted in



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Section IV. At minimum, students with disabilities are to fully participate and be integrated into emergency practices, and drills. Pathways to emergency gathering points must be accessible, and information and instructions given at emergency practices and emergency events are to be communicated specifically and effectively to students with disabilities. Resources for accessible transportation (i.e. school buses with needed equipment such as lifts for wheelchair accessibility) are to be identified and incorporated into emergency plans for transporting students with disabilities away from impacted sites.

School Principals (or designated Site Administrators) are responsible for collaborating with the Office of Emergency Services Coordinator for additional information and training on accessible emergency practices and equipment.

VI. COMMUNICATIONS AND TECHNOLOGY

The District's commitment to ADA compliance and effective implementation efforts relies on clear communication. Information related to accessibility is available to parents and students, and ADA regulatory requirements must be effectively communicated and coordinated among groups carrying out accessibility projects.

Technological advances in information and communication methods bring new opportunities to ensure equal access. The District's Information Technology Division (ITD) provides leadership in strengthening the District's capabilities and maintaining compliance with ADA Title IV (Telecommunications) and Section 508. District and school web sites, as well as information designs for smartphones and mobile units, comply with Section 508 equipment compatibility requirements as well as information tagging and web page navigation requirements. ADA compliance issues in the area of communications and technology are detailed in ITD policies and directives.

Information provided by the District, whether it is specifically provided to students, and parents, offered during community outreach events, or generally available, will be provided in alternative formats to people with disabilities as needed upon request. District schools, Divisions and offices that participate in community activities and distribute information are responsible for providing information in alternative formats such as large type and



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Braille. District-led presentation programs should include auxiliary aids and services as needed. See Attachment E for additional information on auxiliary aids and services.

VII. TRAINING

All employees are required to participate in the required District ADA training. The comprehensive training program is provided to ensure employees have knowledge of the methods used by the District to help staff meet accessibility and non-discrimination obligations, and the resources to respond to accessibility barriers. In addition to District employees, training is made available to charter school Principals (or designated administrators) and select contractors and vendors.

The training program includes electronic modules and a “tool kit” of information and checklists as continuous employee resources. Some of the subjects within the training content include:

- ADA law and District policies
- Rights of individuals with disabilities
- Interacting with individuals with various types of disabilities
- Accessibility issues and barriers
- Employee responsibilities (in their respective areas)
- Avoiding discrimination based on disabilities

VIII. ADMINISTRATIVE RESPONSIBILITIES

The ADA Compliance Administrator is responsible for the following:

- Overseeing, monitoring and reporting on the District’s compliance with the Transition Plan and the applicable laws and regulations under Title II of the ADA.
- Serving as the District-designated ADA point of contact, providing ADA- related information, and responding to inquiries from the public or employees.
- Coordinating the District’s implementation of the Transition Plan and ADA requirements.
- Developing ADA-related policies, guidelines, and training programs. Note: District departments, offices, and divisions are responsible for implementing ADA-related policies and guidance, and providing equal access for students with disabilities, as well as for parents, visitors and members of the community with disabilities.



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AUTHORITY: The Americans with Disabilities Act, Title II, Title IV and related updates including the Americans with Disabilities (ADA) Amendments Act of 2008

Los Angeles Unified School District's Americans with Disabilities Act Title II Self-Evaluation and Transition Plan

Rehabilitation Act of 1973, Section 504 and Section 508

California Department of Education Self-Evaluation Guide

Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities

Division of the State Architect, Title 24 of the California Code of Regulations

**RELATED
RESOURCES:** Parent Student Handbook

BUL-5159.11 Uniform Complaint Procedure, January 25, 2021

REF-066902 Procedures to Request Barrier Removal for Program Accessibility, for Students and Other Individuals with Disabilities, March 11, 2019

Special Education Electronic Policies and Procedures Manual

BUL-4692.8 Section 504 of the Rehabilitation Act of 1973, February 8, 2021

REF-6241.4 Mandatory Use of the Welligent Section 504 Program Module to Conduct All Section 504 Activities, February 2, 2020

ASSISTANCE: For assistance or further information, please contact the Office of ADA Compliance, Kenneth Arrington, ADA Compliance Administrator, at ADA-info@lausd.net.



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ATTACHMENT A

MUST BE POSTED IN PUBLIC AREAS OF SCHOOLS AND FACILITIES



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the **Los Angeles Unified School District** ("LAUSD") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: LAUSD does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: LAUSD will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in LAUSD's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: LAUSD will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in LAUSD offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of LAUSD, should contact the Local District office or the Principal hosting the event as soon as possible but no later than 48 hours before the scheduled event. For non-localized events, the ADA Compliance Administrator can be contacted by email at ADA-Info@lausd.net to inquire about accessibility modifications.

The ADA does not require the LAUSD to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of LAUSD is not accessible to persons with disabilities should be directed to Kenneth Arrington, ADA Compliance Administrator, by phone at 213-241-4530 or via email at ADA-Info@lausd.net.

LAUSD will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



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ATTACHMENT B

TECHNICAL CONTACTS FOR ADA COMPLIANCE SUPPORT

Division of Special Education
James Koontz, Coordinator
213-241-8051
ADA-Info@lausd.net

Facilities Services Division/Access Compliance Unit
Alejandro Chavez, Facilities Access Compliance Manager
213-703-3809
ADA-Info@lausd.net

Office of ADA Compliance
Kenneth Arrington, ADA Compliance Administrator
213-241-4530
ADA-Info@lausd.net

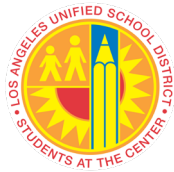
Educational Equity Compliance Office
(Section 504 of the Rehabilitation Act of 1973)
Julie Hall-Panameño, District Section 504 Coordinator
213-241-7682
EquityCompliance@lausd.net

CONTACT INFORMATION FOR COMPLAINTS AND GRIEVANCE APPEALS

Visit <https://achieve.lausd.net/eeco> to access the online Uniform Complaint Procedure (UCP), or send written correspondence to:

Los Angeles Unified School District
Educational Equity Compliance Office, 18th Floor
333 South Beaudry Avenue
Los Angeles, CA 90017
213-241-7682
Fax: 213-241-3312
EquityCompliance@lausd.net

Any person with a disability or who is unable to prepare a written complaint can receive assistance from the Site Administrator or his/her designee, or by contacting the Educational Equity Compliance Office at 213-241-7682, by email at EquityCompliance@lausd.net, or by fax at 213-241-3312.



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ATTACHMENT C

MUST BE POSTED IN PUBLIC AREAS OF SCHOOLS AND FACILITIES

LAUSD GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

A grievance procedure has been established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"), and other laws and regulatory requirements. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **Los Angeles Unified School District** ("LAUSD").

The LAUSD's Personnel Policy governs employment-related complaints of disability discrimination under Title I of the ADA. The LAUSD Uniform Complaint Process (UCP) provides for receipt and processing of complaints and appeals or grievances under Title II of the ADA.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number or other contact information of the complainant, and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews, will be made available for persons with disabilities upon request.

Please visit the [Equal Opportunity Section](#) web page for information about employment-related complaints of disability discrimination.

Please visit the [Uniform Complaint Procedure](#) web page for information about:

- How and where a complaint under Title II may be filed with the LAUSD
- The time frames and processes to be followed by the complainant and the LAUSD
- How to appeal an adverse decision

The District will retain ADA-related complaint appeals and grievances on file in accordance with BUL-6825.0: *Records Retention and Destruction (Other than Pupil Records)*.



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ATTACHMENT D

COMMON BARRIER REVIEW AREAS

The items below are identified as the areas where barriers to accessibility are most commonly checked for compliance with ADA requirements.

The ADA Compliance training for specified District staff will explore the common barriers in detail, as well as provide the technical requirements to meet ADA requirements.

- Parking and loading zones
- Accessible route (pedestrian path)
- Ramps and handrails
- Protruding objects and vertical hazards
- Entry points, doorways and doors
- Rooms and space
 - Pull-up areas
 - Seating areas
 - Counters
- Reach ranges
- Communication and signage
- Toileting facilities
- Drinking fountains



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ATTACHMENT E

AUXILIARY AIDS AND SERVICES

The information below is adapted from the US Department of Justice ADA Best Practices Tool Kit for State and Local Governments; Chapter 3, General Effective Communication Requirements under Title II of the ADA.

“Effective communication” means that whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities. This is important because some people have disabilities that affect how they communicate.

Communication with individuals with disabilities is often no different from communication with people without disabilities. However, people who have disabilities that affect hearing, seeing, speaking, reading, writing, or understanding may use different ways to communicate than people who do not.

An auxiliary aid or service provides equal access to communications and information, and is required when a person with a disability requests it. Consulting with the individual making the request will increase the effectiveness of the selected means of communication.

The type of aid or service necessary will depend on the length and complexity of the communication as well as the format. Be prepared and plan ahead to accommodate the communication needs of persons with disabilities.

Below are examples of different auxiliary aids and services; it is not an exhaustive list.

- Qualified interpreters, notetakers
- Written materials
- Exchange of written notes
- Computer-Aided Real-Time Transcription (CART)
- Video interpreting services
- Open or closed captioning
- Videotext displays
- Assistive listening systems
- Communication boards
- Description of visually presented materials
- Qualified readers
- Audio recordings
- Brailled materials
- Large print materials
- Email or text messages
- Materials in electronic format (compact disc with materials in plain text or word processor format)
- Assistance filling out forms