

LOS ANGELES UNIFIED SCHOOL DISTRICT

Board of Education Report



Report Number:	127-11/12
Date:	January 10, 2012
Subject:	Amendment to the Facilities Services Division Strategic Execution Plan to Define and Approve Two Additional American with Disabilities Act Modified Consent Decree On-Demand Accessibility Projects
Responsible Staff:	
Name	Kelly J. Schmader, Chief Facilities Executive
Office/Division	Facilities Services Division
Telephone No.	213-241-4811

BOARD REPORT

Action Proposed: Staff proposes that the Board of Education adopt an amendment to the Facilities Services Division (FSD) Strategic Execution Plan (SEP) to define and approve two Americans with Disabilities Act (ADA) Modified Consent Decree (MCD) On-Demand Accessibility projects with a combined project budget of \$80,147 as follows:

- Plummer Elementary School – located in Local District 1 and Board District 6 (Nury Martinez)
 - Project Scope: Replace concrete steps to classroom 58 and computer lab with ADA-compliant access ramps and landings, modify width to classroom/lab entrance and adjust height of fixtures
 - Project Budget: \$76,106
 - Project Schedule: Construction is anticipated to begin and be completed during the first quarter of 2012.
- Roosevelt High School – located in Local District 5 (an iDesign school) and Board District 2 (Mónica García)
 - Project Scope: Provide and install a dedicated electrical outlet for the motorized changing table in the accessible restroom located in the Industrial Arts Building
 - Project Budget: \$4,041
 - Project Schedule: Construction is anticipated to begin and be completed during the first quarter of 2012.



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Background:

On January 28, 2003, as part of the Chanda Smith litigation, the Board of Education (BOE) committed to allocate \$20 Million of Measure K Leveling Funds for program accessibility projects. The Board's commitment was confirmed in the MCD, which was approved by the BOE on May 13, 2003 and by the Court on May 16, 2003.

Under Paragraph 78 of Section 10 of the MCD, On-Demand accessibility projects are minor facilities renovations provided to accommodate the accessibility needs of individual students with a qualified disability under Section 504 of the Individuals with Disabilities Education Act, or the Americans with Disabilities Act, so that students are able to participate in a District program, service, or activity (program accessibility). District On-Demand projects are reviewed, approved and administered by the On-Demand Unit of its Division of Special Education and executed by the FSD.

This proposed Board action would add two projects to the FSD SEP that have been approved by the Division of Special Education and were developed by FSD staff in consultation with the Local District, Division of Special Education, school administrators, and community representatives. Alternative accommodations were discussed with the Division of Special Education and these projects were determined to be the best and only available solution for the individual students with disabilities. These two projects continue the District's good faith effort to provide accessibility for the qualifying students enrolled at these school facilities.

Expected Outcomes: Execution of these projects would remove accessibility barriers at two school sites to enable qualifying students with disabilities to access required educational programs. It would also further the District's on-going efforts to bring the District's facilities and Special Education programs into compliance with all applicable Federal laws and the MCD.

Board Options and Consequences: Should the Board approve this proposed action, staff will proceed with the execution of accessibility improvement projects at Plummer Elementary School and Roosevelt High School.

This action will also demonstrate the District's commitment to provide the Special Education program with accessible and code compliant facilities for students in need. If the Board does not approve the proposed actions, there will be delays in delivering these projects.

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- Policy Implications:** The proposed action does not change the current District policies.
- Budget Impact:** These projects will be funded with Bond Program funds specifically earmarked for MCD On-Demand facilities projects. There will be no impact to the General Fund.
- Issues and Analysis:** The Office of Environmental Health and Safety (OEHS) will evaluate the proposed projects in accordance with the California Environmental Quality Act (CEQA).
- Bond Oversight Committee Recommendations:** This item was considered by the School Construction Bond Citizens' Oversight Committee (BOC) on December 15, 2011. The BOC adopted the attached resolution by a vote of 8 ayes and 0 nays.
- Staff has concluded that this proposed SEP amendment will help facilitate implementation of the SEP, and therefore, it will not adversely affect the District's ability to successfully complete the SEP.

Attachments:

Informative

Desegregation Impact Statement

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Respectfully submitted,

APPROVED BY:

DR. JOHN E. DEASY
Superintendent

MICHELLE KING
Senior Deputy Superintendent
School Operations

REVIEWED BY:

APPROVED &
PRESENTED BY:

DAVID HOLMQUIST
General Counsel

Approved as to form.

KELLY J. SCHMADER
Chief Facilities Executive
Facilities Services Division

TONY ATIENZA
Director of Budget Services and
Financial Planning (Interim)

Approved as to budget impact statement.

Elizabeth Bar-El, Chair
LAUSD Student Parent
(Primary Member)

Stephen English, Vice Chair
L.A. City Controller's Office

John Naimo, Secretary
L.A. County Auditor-Controller's
Office (Primary Member)

Maria Cabildo, Executive Committee
LAUSD Student Parent
(Primary Member)

Chester Widom, Executive Committee
American Institute of Architects

Ilene Ashcraft
Tenth District PTSA

Paul Escala
CA Charter School Association

Eva Hain
AARP

John Hakel
Associated General Contractors of
CA

Robbie Hunter
L.A. Co. Federation of Labor,
AFL-CIO

Pamela Schmidt
Early Education Coalition

Joan Sullivan
L.A. Mayor's Office

Wendy Watanabe
L.A. County Auditor-Controller's
Office (Alternate Member)

Barry Waite
LAUSD Student Parent
(Alternate Member)

(Vacant)
California Tax Reform

(Vacant)
L.A. Area Chamber of Commerce

(Vacant)
Thirty-First District PTSA

Joseph P. Buchman – Legal Counsel
Burke, Williams & Sorensen, LLP

Thomas A. Rubin
Oversight Committee Consultant

Gary C. Anderson
Bond Administrator
Daniel Hwang
Administrative Analyst

RESOLUTION 2011-50

BOARD REPORT NO. 127-11/12

AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO DEFINE AND APPROVE TWO ADDITIONAL AMERICAN WITH DISABILITIES ACT MODIFIED CONSENT DECREE ON-DEMAND ACCESSIBILITY PROJECTS

WHEREAS, District Staff proposes that the Board of Education approve an amendment to the Facilities Services Division (FSD) Strategic Execution Plan (SEP) as follows:

- Define and approve two Americans with Disabilities Act (ADA) Modified Consent Decree (MCD) On-Demand Accessibility projects with a combined project budget of \$80,147, which are described and identified in Board Report No. 127-11/12 (attached hereto) as:
 1. Plummer Elementary School – Replace concrete steps to classroom 58 and computer lab with ADA-compliant access ramps and landings, modify width to classroom/lab entrance and adjust height of fixtures (\$76,106);
 2. Roosevelt High School – Provide and install a dedicated electrical outlet for the motorized changing table in the accessible restroom located in the Industrial Arts Building (\$4,041); and

WHEREAS, on January 28, 2003, as part of the Chanda Smith litigation, the Board of Education committed to allocate \$20 million of Measure K Leveling Funds for program accessibility projects; and the Board's commitment was confirmed in the Modified Consent Decree (MCD), which was approved by the Board on May 13, 2003, and by the Court on May 16, 2003; and

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WHEREAS, under Paragraph 78 of Section 10 of the MCD, On-Demand accessibility projects are minor facilities renovations provided to accommodate the accessibility needs of individual students with a qualified disability under Section 504 of the Individuals with Disabilities Education Act, or the Americans with Disabilities Act, so that students are able to participate in a District program, service, or activity (program accessibility); and

WHEREAS, the On-Demand projects are reviewed, approved and administered by the On-Demand Unit of the Division of Special Education, and executed by the Facilities Services Division (FSD); and the two new projects are necessary to continue to fulfill the District's obligation to the terms of the MCD and to provide accessibility for the qualifying students enrolled at these facilities; and

WHEREAS, this proposed board action would add two additional projects to the SEP that have been approved by the Division of Special Education and were developed by FSD staff in consultation with the Local District, Division of Special Education, school administrators, and community representatives; and

WHEREAS, these two new projects are necessary to continue to fulfill the District's obligation to the terms of the MCD and to provide accessibility for the qualifying students enrolled at these facilities; and

WHEREAS, the Facilities Services Division has concluded (1) that amending the Facilities Strategic Execution Plan to fund two new Modified Consent Decree On-Demand Accessibility projects will facilitate implementation of the Facilities Strategic Execution Plan, and (2) that the proposed amendment will not adversely affect the District's ability to successfully complete the Facilities Strategic Execution Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The School Construction Bond Citizens' Oversight Committee recommends that the Board of Education approve an amendment to the Facilities Strategic Execution Plan (SEP) as follows:

Define and approve two Americans with Disabilities Act (ADA) Modified Consent Decree (MCD) On-Demand Accessibility projects with a combined project budget of \$80,147, which are described and identified in Board Report No. 127-11/12 (attached hereto) as:

- Plummer Elementary School – Replace concrete steps to classroom 58 and computer lab with ADA-compliant access ramps and landings, modify width to classroom/lab entrance and adjust height of fixtures (\$76,106); and
 - Roosevelt High School – Provide and install a dedicated electrical outlet for the motorized changing table in the accessible restroom located in the Industrial Arts Building (\$4,041).
2. This resolution shall be transmitted to the Los Angeles Unified School District Board of Education and posted on the Oversight Committee's website.

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Two Additional American With Disabilities Act Modified Consent Decree On-Demand Accessibility
Projects**

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3. The District is directed to track the above recommendation and to report on the adoption, rejection, or pending status of the recommendations as provided in section 6.2 of the Charter and Memorandum of Understanding between the Oversight Committee and the District.

ADOPTED on December 15, 2011 by the following vote:

AYES: 8

ABSTAIN: 0

NAYS: 0

ABSENT: 5

Elizabeth Bar-El

Elizabeth Bar-El
Chair

Steve English

Steve English
Vice Chair