

LOS ANGELES UNIFIED SCHOOL DISTRICT

Board of Education Report



Report Number:	143-11/12
Date:	February 14, 2012
Subject:	Amendment to the Facilities Services Division Strategic Execution Plan to Update the Americans with Disabilities Act Modified Consent Decree On-Demand Accessibility Program: Institute the Rapid Access Program and Cancel 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 amend the Facilities Services Division (FSD) Strategic Execution Plan (SEP) to update the Americans with Disabilities Act (ADA) Modified Consent Decree (MCD) On-Demand Accessibility Program as follows:

1. Cancel 27 Board-approved projects that were defined to provide access to an individual student seeking placement in inaccessible programs that have since been made accessible to that student by implementing alternative solutions (27 projects listed in Attachment A). The Division of Special Education and the Local District office have confirmed the need that generated these projects no longer exists and that the projects should be cancelled.

2. Institute the Rapid Access Program (RAP) under which projects are defined and approved with the following scope, schedule and budget to align with the stipulations of the MCD that:

The unit shall be staffed by a special education professional and a facilities professional and will have at its disposal "task order" procedures to rapidly provide minor renovations where necessary to provide... (Facilities, Section 10, Paragraph 78).

- *Scope* -- All projects will include minor installments and adjustments to facilities to ensure a barrier-free learning environment as required by the ADA. RAP projects will not include significant facilities improvements which typically require Division of the State Architect (DSA) approval as they do not meet the intent of the Program to rapidly provide minor renovations where necessary to provide access for individual students
- *Budget* -- The total combined project budget remaining for RAP



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projects is approximately \$3.5 Million, which includes the funds associated with the 27 projects proposed for cancellation. The proposed projects included in this Board Report will have a budget cap of \$250,000 per project.

- *Schedule* -- Staff will provide the Board of Education and Citizens' Bond Oversight Committee (BOC) with quarterly reports detailing the scope, schedule and budget of projects undertaken, which will be provided in the month following the end of the applicable quarter (April, July, October, and January). All projects still underway will be included in the annual update to the FSD SEP.

Background:

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. The Board's commitment was confirmed in the MCD, which was approved by the Board on May 13, 2003, and by the Federal Court on May 16, 2003. As set forth in Section 10, Paragraph 78 of the MCD, On-Demand projects are minor facilities renovations to provide program accessibility for an individual student with a qualified disability under Section 504, Individuals with Disabilities Education Act (IDEA), or the ADA so that the student is able to participate in a District program, service, or activity.

This proposed Board action would amend the FSD SEP to institute the RAP, under which student accessibility projects are defined and approved. With approval of this action, funds will be available to immediately execute RAP student accessibility projects within the \$3.5 Million of uncommitted Bond Program funds earmarked for student accessibility projects. Only projects that rapidly provide minor renovations where necessary to enable access for individual students seeking placement in currently inaccessible programs will be executed under the RAP. These projects will install and/or adjust items in order to establish a barrier-free learning environment including:

- Ramps
- Handrails
- Stage lift
- Drinking fountains
- Directional and informational signage
- Door hardware
- Restrooms
- Path of travel (minor)

Consistent with current policies for facilities accessibility projects, the Division of Special Education will review, approve and administer the



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RAP Program. Projects are developed by FSD in consultation with Local District offices and school administrators. A request that would typically not meet the definition of a RAP project would be an elevator, a permanent concrete ramp, an extensive restroom renovation, or other major construction project requiring DSA approval.

Expected Outcomes:

Approval of this action will enable the Division of Special Education and FSD to immediately validate and install minor accessibility projects in a more timely manner thereby providing classroom and program access to students with disabilities sooner. This will improve the District's commitment to provide truly rapid facilities renovations for students with disabilities.

Approval of this action will also cancel 27 previously-approved projects where interim accommodations were provided, qualifying students are no longer enrolled at the schools, and/or do not meet the definition of RAP to provide rapid and minor facilities improvements.

Board Options and Consequences:

If the Board approves the proposed action, the RAP will be instituted and funds will be available to immediately execute new student accessibility projects within the remaining \$3.5 Million of uncommitted Bond Program funds earmarked for student accessibility projects.

Staff will provide the Board of Education and BOC with quarterly reports detailing the scope, schedule and budget of projects undertaken, which will be provided in the month following the end of the applicable quarter (April, July, October, and January). All projects still underway will be included the annual update to the FSD SEP.

If the Board does not approve the proposed action, staff will not be able expedite the execution of new RAP student accessibility projects as prescribed in the MCD. Further, the available funds associated with the 27 projects proposed for cancellation (Attachment A) would not be made available for new accessibility projects.

Policy Implications:

The requested action will modify the current process for approving MCD On-Demand projects and provide quicker accessibility to classrooms and school programs to students with disabilities.

Budget Impact:

This program is funded with Bond Program funds specifically earmarked for student accessibility projects. There will be no impact to the General Fund.

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**Issues and
Analysis:**

The requested action is consistent with the District's obligations pursuant to IDEA, the ADA, and the MCD.

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 January 18, 2012. The BOC adopted the attached resolution by a vote of 8 ayes and 0 nays.

Staff has concluded that this proposed change in how the SEP is amended to include the RAP projects will help facilitate implementation of the SEP, and it will not adversely affect the District's ability to successfully complete the SEP.

Attachments:

Attachment A

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

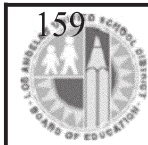
TONY ATIENZA
Director of Budget Services and
Financial Planning (Interim)

Approved as to budget impact statement.

LOS ANGELES UNIFIED SCHOOL DISTRICT

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Modified Consent Decree "On Demand" Cancellation List					
ATTACHMENT "A"					
February 14, 2012					
	Site Name	LD	BD	Project Description	Project Status
1	Bethune MS	7	1	Hydraulic Lift to Provide ADA Access to Building C	Interim accomodation: utilized other accessible classrooms. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
2	King ES	7	1	ADA Access Ramps to Classrooms 49 & 50	Interim accomodation: utilized other accessible classrooms. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
3	Los Angeles HS	3	1	ADA Upgrades to Boys' & Girls' Restrooms in Main Gym	Interim accomodation: utilized adapted restroom in other areas. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
4	2nd St. ES	5	2	ADA Access Ramp to Front Entrance of School	Interim accomodation: utilized side entrance. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
5	Berendo MS	4	2	Permanent Access Ramp to Main Entrance	Interim accomodation: utilized parking lot entrance. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
6	Berendo MS	4	2	Permanent Access Ramp to Auditorium	Interim accomodation: moved activities from the stage. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
7	Dena ES	5	2	ADA Access Ramps to Auditorium, Cafeteria, and Main Entrance	Interim accomodation: utilized alternate routes. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
8	Hollenbeck MS	5	2	ADA Access Ramp and Path of Travel to P.E. Area	Interim accomodation: utilized other accessible classrooms. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
9	Hollenbeck MS	5	2	ADA Accessible Bridge for "SAC" Bldg. (Rms. 270-273)	Interim accomodation: utilized other accessible classrooms. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
10	Latona ES	5	2	ADA Access Ramp to Upper Classrooms and Yard	Interim accomodation: utilized alternate accessible areas. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
11	Sheridan ES	5	2	ADA Ramp to Library/Computer Services Bldg.	Interim accomodation: held computer activities in classroom. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
12	Columbus MS	1	3	Provide Path of Travel to Auditorium Stage and Hydraulic Lift to Access It	Interim accomodation: moved activities from the stage. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
13	Hale MS	1	3	Provide Hydraulic Lift to Auditorium Stage and Remove Non-Compliant Railings	Interim accomodation: moved activities from the stage. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
14	Lankershim ES	2	3	ADA Access Ramp to Auditorium	Interim accomodation: moved activities from the stage. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
15	Kenter Canyon ES	3	4	ADA Accessibility to South Playground	Interim accomodation: assigned student to accessible area. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
16	Ramona ES	4	4	ADA Access Ramp to Auditorium	Interim accomodation: moved activities from the stage. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
17	Garfield HS	5	5	ADA Access Ramps to Music Building, Rooms MH1 & MH2.	Interim accomodation: programmed around accessible classrooms. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
18	Liberty ES	6	5	ADA Access Ramp to Classroom 40	Interim accomodation: utilized other accessible classrooms. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
19	Rowan ES	5	5	ADA Restroom Upgrade, Auditorium Lift, and ADA Access Ramps	Interim accomodation: Special Aide helped student in all areas. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
20	San Fernando MS	2	6	ADA Access Ramp to Building C	Interim accomodation: assigned student to accessible classroom. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
21	Avalon Gardens ES	8	7	Store Room Conversion to Changing Area for Disabled Student Use	Interim accomodation: utilized room with non-permanent equipment. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.

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BOARD OF EDUCATION REPORT No. 143-11/12

Modified Consent Decree "On Demand" Cancellation List ATTACHMENT "A"

February 14, 2012

	Site Name	LD	BD	Project Description	Project Status
22	Carver MS	5	7	ADA Access Ramp to 1st Floor of King Bldg. (Rms. 161, 175, 178)	Interim accomodation: utilized other accessible classrooms. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
23	Catskill ES	8	7	ADA Access Ramp for Computer Lab (Rm. 40)	Interim accomodation: completed activities in classroom. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
24	Catskill ES	8	7	ADA Hydraulic Lift to Auditorium Stage	Interim accomodation: moved activities from the stage. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
25	Dana MS	8	7	ADA Access Ramps to Upper 2 Levels of Campus	Interim accomodation: utilized lower-level classrooms. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
26	Fries ES	8	7	ADA Access Ramps to Playground & Bldg. 24, 32 and ADA Handrails in 3 Girls' RRs.	Interim accomodation: Special Aide helped student in the restroom. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.
27	Leland ES	8	7	New ADA Restroom in Spec. Ed. Classroom (New ADA Access Ramp to Same Classroom Is Completed)	Interim accomodation: utilized adapted restroom in main area. Qualifying student is no longer enrolled at the school. Project does not meet the Rapid Access Program criteria.

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

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

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

John Naimo, Secretary
County of Los Angeles
(Primary Member)

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

Ilene Ashcraft
Tenth District PTSA

Eva Hain
AARP

Paul Escala
CA Charter Schools Association

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
County of Los Angeles
(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

(Vacant)
American Institute of
Architects

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 2012-55**BOARD REPORT NO. 143-11/12**

**FACILITIES STRATEGIC EXECUTION PLAN AMENDMENT TO UPDATE THE
AMERICANS WITH DISABILITIES ACT MODIFIED CONSENT DECREE ON-
DEMAND ACCESSIBILITY PROGRAM: INSTITUTE THE RAPID ACCESS
PROGRAM AND CANCEL PROJECTS**

WHEREAS, District staff proposes that the Board of Education approve an amendment to the Facilities Services Division (FSD) Strategic Execution Plan (SEP) to update the Americans with Disabilities Act (ADA) Modified Consent Decree (MCD) On-Demand Accessibility Program as follows:

1. Cancel 27 Board-approved projects that were defined to provide access to an individual student seeking placement in inaccessible programs that have since been made accessible to that student by implementing alternative solutions (27 projects listed in Attachment A). The Division of Special Education and the Local District office have confirmed the need that generated these projects no longer exists and that the projects should be cancelled.
2. Institute the Rapid Access Program (RAP) under which projects are defined and approved with the following scope, schedule and budget to align with the stipulations of the MCD that:

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

Resolution 2012-55**Facilities Strategic Execution Plan Amendment to Update the Americans with Disabilities Act (ADA) Modified Consent Decree (MCD) On-Demand Accessibility Program: Institute the Rapid Access Program and Cancel Projects**

The unit shall be staffed by a special education professional and a facilities professional and will have at its disposal "task order" procedures to rapidly provide minor renovations where necessary to provide... (Facilities, Section 10, Paragraph 78).

- *Scope* -- All projects will include minor installments and adjustments to facilities to ensure a barrier-free learning environment as required by the ADA. RAP projects will not include significant facilities improvements which typically require Division of the State Architect (DSA) approval as they do not meet the intent of the Program to rapidly provide minor renovations where necessary to provide access for individual students
- *Budget* -- The total combined project budget remaining for RAP projects is approximately \$3.5 Million, which includes the funds associated with the 27 projects proposed for cancellation. The proposed projects included in this Board Report will have a budget cap of \$250,000 per project.
- *Schedule* -- Staff will provide the Board of Education and Citizens' Bond Oversight Committee (BOC) with quarterly reports detailing the scope, schedule and budget of projects undertaken, which will be provided in the month following the end of the applicable quarter (April, July, October, and January). All projects still underway will be included in the annual update to the FSD SEP.

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. The Board's commitment was confirmed in the MCD, which was approved by the Board on May 13, 2003, and by the Federal Court on May 16, 2003; and

WHEREAS, As set forth in Section 10, Paragraph 78 of the MCD, On-Demand projects are minor facilities renovations to provide program accessibility for an individual student with a qualified disability under Section 504, Individuals with Disabilities Education Act (IDEA), or the ADA so that the student is able to participate in a District program, service, or activity; and

WHEREAS, This proposed Board action would amend the FSD SEP to institute the RAP, under which student accessibility projects are defined and approved. With approval of this action, funds will be available to immediately execute RAP student accessibility projects within the \$3.5 Million of uncommitted Bond Program funds earmarked for student accessibility projects.

WHEREAS, Only projects that rapidly provide minor renovations where necessary to enable access for individual students seeking placement in currently inaccessible programs will be

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE**Resolution 2012-55****Facilities Strategic Execution Plan Amendment to Update the Americans with Disabilities Act (ADA) Modified Consent Decree (MCD) On-Demand Accessibility Program: Institute the Rapid Access Program and Cancel Projects**

executed under the RAP. These projects will install and/or adjust items in order to establish a barrier-free learning environment including:

- Ramps
- Handrails
- Stage lift
- Drinking fountains
- Directional and informational signage
- Door hardware
- Restrooms
- Path of travel (minor)

WHEREAS, Consistent with current policies for facilities accessibility projects, the Division of Special Education will review, approve and administer the RAP Program. Projects are developed by FSD in consultation with Local District offices and school administrators.

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 FSD SEP to update the Americans with Disabilities Act (ADA) Modified Consent Decree (MCD) On-Demand Accessibility Program as follows:

- Cancel 27 Board-approved projects that were defined to provide access to an individual student seeking placement in inaccessible programs that have since been made accessible to that student by implementing alternative solutions (27 projects listed in Attachment A attached hereto). The Division of Special Education and the Local District office have confirmed the need that generated these projects no longer exists and that the projects should be cancelled.
- Institute the Rapid Access Program (RAP) under which projects are defined and approved with the following scope, schedule and budget to align with the stipulations of the MCD that:

The unit shall be staffed by a special education professional and a facilities professional and will have at its disposal "task order" procedures to rapidly provide minor renovations where necessary to provide... (Facilities, Section 10, Paragraph 78).

- *Scope* -- All projects will include minor installments and adjustments to facilities to ensure a barrier-free learning environment as required by the ADA. RAP projects will not include significant facilities improvements which typically require Division of the State Architect (DSA) approval as they do not meet the

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

Resolution 2012-55**Facilities Strategic Execution Plan Amendment to Update the Americans with Disabilities Act (ADA) Modified Consent Decree (MCD) On-Demand Accessibility Program: Institute the Rapid Access Program and Cancel Projects**

- intent of the Program to rapidly provide minor renovations where necessary to provide access for individual students
 - *Budget* -- The total combined project budget remaining for RAP projects is approximately \$3.5 Million, which includes the funds associated with the 27 projects proposed for cancellation. The proposed projects included in this Board Report will have a budget cap of \$250,000 per project.
 - *Schedule* -- Staff will provide the Board of Education and Citizens' Bond Oversight Committee (BOC) with quarterly reports detailing the scope, schedule and budget of projects undertaken, which will be provided in the month following the end of the applicable quarter (April, July, October, and January). All projects still underway will be included in the annual update to the FSD SEP.
2. This resolution shall be transmitted to the Los Angeles Unified School District Board of Education and posted on the Oversight Committee's website.
 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.

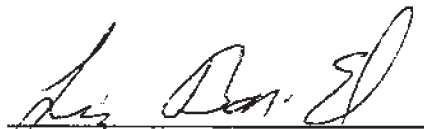
Adopted on January 18, 2012 by the following vote:

AYES: 8

ABSTAIN: 0

NAYS: 0

ABSENT: 3


Elizabeth Bar-El,
Chair
Stephen English
Vice Chair