

Long Beach Unified School District
Resolution Agreement
OCR No. 09-15-1203

The Long Beach Unified School District (District) agrees, without admitting to any violation of law, to implement the following Resolution Agreement (Agreement) to resolve the issues investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA) in the above-referenced OCR case number.¹

I. ACCESSIBILITY OF PROGRAMS, ACTIVITIES AND FACILITIES

Listed below, by building or facility, are the areas that have been identified as allegedly inaccessible as a result of the above referenced complaint. The District assures OCR that the actions set forth will be accomplished in order to comply with the regulations implementing Section 504 and Title II.

STANDARDS

Existing Facilities:

For the purposes of this Agreement, an existing facility is defined as any facility, the construction or alteration of which was commenced before June 3, 1977.² For such existing facilities, each element of a facility need not be readily accessible and usable to individuals with disabilities. Instead, each program or activity is to be operated so that the program or activity, when viewed in its entirety, is readily accessible and usable. Federal facility accessibility standards may be used as a guide to understanding whether persons with disabilities can participate in the program, activity or service. If the District chooses to make alterations or construct new facilities in order to make the program or activity readily accessible or usable, such alterations or new construction will be made in compliance with the 2010 Standards.³

New Facilities:

For the purposes of this Agreement, a new facility is defined as any facility, the construction or alteration of which was commenced on or after June 3, 1977. If an element of a new facility does not comply with the applicable architectural standard in effect at the

¹The District recognizes that OCR has not conducted a comprehensive review of the accessibility of the District's programs, activities and facilities. This Agreement addresses only those specific issues enumerated in this Agreement and does not address each and every possible instance of noncompliance with the program, activity, and facility access requirements of Section 504 or Title II.

² 34 C.F.R. §104.22.

³ The 2010 Standards refers to the 2010 ADA Standards for Accessible Design, defined as the requirements set forth in appendices B and D to 36 C.F.R. part 1191 and the requirements contained in 28 C.F.R. §35.151.

time of the construction or alteration, it must be made accessible in accordance with the 2010 Standards. Facilities constructed or altered on or after March 15, 2012 are required to meet the 2010 Standards.

A. Jefferson Leadership Academy (Academy) Administration Building (Building)

- (i) By September 16, 2015, the District will provide OCR with documentation which demonstrates that the Building is an existing facility, and to ensure that an accessible entrance to the Building exists the District will provide the same level and degree of access as is accorded to persons without disabilities at the main entrance. The entrance will be on an accessible path of travel and include doors of a sufficient width to admit individuals in wheelchairs or other mobility powered devices or doors that meet the accessibility requirements of Section 504 and Title II. In the alternative, the District will notify the OCR that it has identified an alternate location that is accessible to which it can move the programs and activities offered therein and that an adequate, well-published, and readily available process or procedure exists through which individuals in need of requesting an alternate accessible location may make such a request.
- (ii) By January 30, 2016, the District will also ensure that the accessible entrance is properly marked with the international symbol of accessibility and that all inaccessible entrances have signs indicating the location of the nearest accessible entrance.
- (iii) By September 30, 2015, the District will develop and implement a plan to ensure that all IEP meetings held at the Academy take place in locations that are accessible to individual to persons with disabilities.

Reporting Requirements

- A. By January 30, 2016, the District will provide to OCR verification that the structural changes required by Section (I)(A) of this Agreement have been completed. Verification will include photographs and documentation from the individuals or corporations who performed the changes.

In the event that the District determines to identify an alternate accessible location as provided for in Section (I)(A) of this Agreement, the District will provide to OCR a narrative and photographic description of the alternate accessible location as well as a copy of the process or procedure that an individual seeking an alternate accessible location would utilize.

II. IEP Meeting

- A. By September 16, 2015, the District will notify the Parent that, in the event that they choose to schedule an IEP before the Student's next annual IEP, the IEP meeting will be scheduled in an accessible location at the Academy. If, at any time, the Student's parent or guardian, chooses to schedule a meeting, the parent will have the opportunity to invite an advocate or representative to the meeting and the District will ensure that the IEP meeting is held in an accessible location at the Academy OCR has previously identified the Student and the Student's parents to the District.

Reporting Requirements

- A. On or before October 1, 2015, the District will provide OCR with documentation which demonstrates that the District has confirmed with the parent(s) of the Student that the District will ensure that the Student's IEP meetings at the Academy are held in an accessible location.

III. ENSURING EQUAL ACCESS FOR STUDENTS WITH DISABILITIES

- A. By September 30, 2015, the District will develop a procedure and accompanying processes that ensure that the Academy is complying with the requirement of nondiscrimination in access and participation in all district programs by students with disabilities as well as the principle of least restrictive environment.

The procedure will emphasize that the Academy may not discriminate against a student with a disability, deny a qualified student with a disability the opportunity to participate in or to benefit from an aid, benefit, or service, or otherwise limit a student with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service. The procedure will presume that students with disabilities will participate in any such activity or program. The procedure will recognize that, at times, it may be necessary to convene a student's Section 504 or IEP team to consider if and how the student will participate in the activities and programs pursuant to applicable law.

The procedure will also provide a process that ensures that parents or guardians of students with disabilities are timely receiving the same notice of and information about events, activities, and services that is being provided to parents or guardians of students without disabilities.

The procedure will state that any appeal of a determination will be made pursuant to

the District's Uniform Complaint Procedures (UCP).

The procedure will be consistent with the requirements of 34 C.F.R. §§ 104.37(a), 104.4(a), 104.4(b)(1)(i), 104.4(b)(1)(vii) and 28 C.F.R. §§ 35.130(a), 35.130(b)(1)(i), and 35.130(b)(2).

- B. By October 1, 2015, the District will disseminate a copy of the procedure developed pursuant to paragraph (III)(A) of this Agreement to all faculty, staff, and administrators at the Academy. The District will also include within the dissemination all parents or others who serve as coordinators, directors, chaperones, or similar positions at any event, activity, or service that is associated with the Academy.
- C. In addition to disseminating the document developed pursuant to paragraph (III) (A) of this Agreement to faculty, staff, and administrators, the District will post the document at all Academy locations at which other District or Academy policies are posted in order to inform faculty, staff, students, parents, or the general public of such policies. The document will remain posted at these locations for at least two years following the signing of this Agreement.

Reporting Requirements

- A. Within ten (10) days of completing the procedure required by paragraph (III)(A) of this Agreement, the District will submit a copy of it to OCR.
- B. Within ten (10) days of completing the requirements of paragraph (III)(B) & (C) of this Agreement, the District will provide a written statement to OCR that verifies that it completed the requirements. The verification will state the total number of copies distributed, the date(s) of distribution, the method(s) of distribution, the number posted, the dates of posting, and the locations of posting.

IV. MONITORING

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504, Title II, and their respective implementing regulations.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II at 34 C.F.R. §§ 104.37(a), 104.4(a),

104.4(b)(1)(i) & 104.4(b)(1)(vii) and 28 C.F.R. §§ 35.130(a), 35.130(b)(1)(i) & 35.130(b)(2)., which were at issue in this matter.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____/s/_____

Date: 9/15/2015