

LOS ANGELES UNIFIED SCHOOL DISTRICT

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

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L.A. Co. Auditor-Controller's Office

**Joseph P. Buchman – Legal Counsel**

Burke, Williams & Sorensen, LLP

**Lori Raineri and Keith Weaver – Oversight Consultants**

Government Financial Strategies

**Timothy Popejoy**

Bond Oversight Administrator

**Perla Zitle**

BOC Staff

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RESOLUTION 2021-07

BOARD REPORT NO. 257-20/21

**AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO DEFINE AND APPROVE THREE ACCESSIBILITY ENHANCEMENT PROJECTS AND CANCEL ONE PROJECT**

WHEREAS, Los Angeles Unified School District Staff (Staff) proposes that the Board of Education (Board) approve an amendment to the Facilities Services Division (Facilities) Strategic Execution Plan (SEP) to define and approve three accessibility enhancement projects, at the following schools, to support the implementation of the Board-approved Self-Evaluation and Transition Plan under the Americans with Disabilities Act (ADA), as described in Board Report 257-20/21, a copy of which is attached hereto in the form it was presented to the BOC and is incorporated herein by reference:

1. Cienega Elementary School (Cienega ES)
2. Wilmington Park Elementary School (Wilmington Park ES)
3. Wonderland Elementary School (Wonderland ES); and

WHEREAS, The total combined budget of the three proposed projects is \$10,550,808; and

WHEREAS, Staff further proposes that the Board approve an amendment to the Facilities-SEP to cancel the West Hollywood Elementary School (West Hollywood ES) Accessibility Enhancement Project; and

WHEREAS, Additionally, Staff proposes that the Board authorize the Chief Procurement Officer and/or the Chief Facilities Executive and/or their designee(s) to execute all instruments necessary, as legally permissible, to implement the projects including budget modifications and the purchase of equipment and materials; and

**Bond Oversight Committee**

## **RESOLUTION 2021-07**

### **AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO DEFINE AND APPROVE THREE ACCESSIBILITY ENHANCEMENT PROJECTS AND CANCEL ONE PROJECT**

WHEREAS, On October 10, 2017, the Board approved the Self-Evaluation and Transition Plan (Transition Plan) under ADA to further Los Angeles Unified efforts to comply with ADA Title II program accessibility requirements (Board Report No. 124-17/18; and

WHEREAS, Under the Transition Plan, each school is assigned to one of three levels of accessibility (Category One, Two, or Three) based on assessments of more than two dozen criteria, including school programs, matriculation options, geographic location, known (or anticipated/matriculating) population of students with disabilities or parents/guardians with disabilities, type of instructional model, and public input; and

- Category One: These are “key” schools and will have the highest level of access, generally in accordance with applicable physical accessibility standards; and
- Category Two: These will be “program-accessible” schools; and
- 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; and

WHEREAS, The three school sites for which an accessibility enhancement project is being proposed do not yet meet their assigned category/level of accessibility and thus require facilities improvements; and

WHEREAS, The Board approved an accessibility enhancement project at West Hollywood ES on September 3, 2019 with a budget of \$9,772,120; and

WHEREAS, In an effort to help ensure the funding targeted for accessibility enhancement projects can reach more schools and students, Staff examined other potential options, in lieu of making facility modifications at West Hollywood ES, to provide an adequate number of program accessible schools in Local District West; and

WHEREAS, While the standalone accessibility enhancement project at West Hollywood ES is being proposed for cancellation, over the last couple of years the school has received various accessibility improvements through the implementation of other bond projects; and

WHEREAS, Approval will authorize Staff to proceed with the implementation of the proposed projects; and

WHEREAS, Adoption of the proposed action will authorize Staff to proceed with the expenditure of Bond Program funds to immediately begin designing the accessibility enhancement projects at three school sites; and

**RESOLUTION 2021-07**

**AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO DEFINE AND APPROVE THREE ACCESSIBILITY ENHANCEMENT PROJECTS AND CANCEL ONE PROJECT**

WHEREAS, If the Board does not approve the proposal, Staff will be unable to initiate the three proposed projects, which are necessary to achieve program accessibility as outlined in the Transition Plan and required for compliance with Section 504 of the Rehabilitation Act and the ADA; and

WHEREAS, As outlined in the Transition Plan, at Category One, Two and Three schools, an appropriate number of classrooms will be identified to serve as accessible learning spaces, some of which may require facility improvements to meet the criteria for their assigned accessibility category; and

WHEREAS, Any potential future room changes by Administrators or Principals will be reviewed by the Division of Special Education, the ADA Compliance Administrator, and the Facilities Services Division to ensure that new accessibility problems are not created as a result of the classroom moves; and

WHEREAS, The projects will be funded by Bond Program funds in the School Upgrade Program (SUP) targeted for special education facilities (compliance with ADA Title II – Transition Plan) category of capital need; and

WHEREAS, Individual project budgets will be reviewed throughout the planning, design, and construction phases as new information becomes known or unforeseen conditions arise and will be adjusted accordingly to enable the successful completion of each project; and

WHEREAS, The cancellation of the accessibility enhancement project at West Hollywood ES (Project No. 10370780) will result in approximately \$9,740,000 of unspent funds being returned to the SUP special education facilities (compliance with ADA Title II – Transition Plan) category of capital need; and

WHEREAS, The three proposed projects will remove barriers to program accessibility for students and qualified members of the community and ensure that all have an equal opportunity to access programs and activities at each campus; and

WHEREAS, 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; and

WHEREAS, The Office of Environmental Health and Safety (OEHS) will evaluate the proposed projects in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Staff has concluded that this proposed Facilities SEP amendment is in alignment with the School Construction Bond Citizen's Oversight Committee (BOC) recommendations and will facilitate implementation of the Facilities SEP, and therefore, it will not adversely affect Los Angeles Unified's ability to successfully complete the Facilities SEP.

**RESOLUTION 2021-07**

**AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO DEFINE AND APPROVE THREE ACCESSIBILITY ENHANCEMENT PROJECTS AND CANCEL ONE PROJECT**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The School Construction Bond Citizens’ Oversight Committee recommends that the Board approve an amendment to the Facilities SEP to define and approve three accessibility enhancement projects and cancel one project to support the implementation of the Transition Plan under ADA, as described in Board Report 257-20/21, a copy of which is attached hereto in the form it was presented to the BOC and is incorporated herein by reference.
2. This resolution shall be transmitted to the Los Angeles Unified Board and posted on the Bond Oversight Committee’s website.
3. Los Angeles Unified 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 Bond Oversight Committee and Los Angeles Unified.

ADOPTED on February 25, 2021, by the following vote:

AYES: 12

ABSTENTIONS: 0

NAYS: 0

ABSENCES: 3

*/Rachel Greene/*

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Rachel Greene  
Chair

*/Bevin Ashenmiller/*

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Bevin Ashenmiller  
Vice-Chair



## Board of Education Report

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**File #:** Rep-257-20/21, **Version:** 1

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### **Amendment to the Facilities Services Division Strategic Execution Plan to Define and Approve Three Accessibility Enhancement Projects and Cancel One Project**

**March 9, 2021**

#### **Facilities Services Division and Division of Special Education**

##### **Action Proposed:**

Staff proposes that the Board of Education (Board) approve an amendment to the Facilities Services Division (Facilities) Strategic Execution Plan (SEP) to define and approve three accessibility enhancement projects, at the following schools, as described in Exhibit A, to support the implementation of the Board-approved Self-Evaluation and Transition Plan under the Americans with Disabilities Act (ADA):

1. Cienega Elementary School (Cienega ES)
2. Wilmington Park Elementary School (Wilmington Park ES)
3. Wonderland Elementary School (Wonderland ES)

The total combined budget of the three proposed projects is \$10,550,808.

Staff further proposes that the Board approve an amendment to the Facilities-SEP to cancel the West Hollywood Elementary School (West Hollywood ES) Accessibility Enhancement Project. The approved project budget is \$9,772,120. The proposed Wonderland ES Accessibility Enhancement Project will replace the project being proposed for cancellation at West Hollywood ES.

Additionally, staff proposes that the Board authorize the Chief Procurement Officer and/or the Chief Facilities Executive and/or their designee(s) to execute all instruments necessary, as legally permissible, to implement the projects including budget modifications and the purchase of equipment and materials.

##### **Background:**

On October 10, 2017, the Board approved the Self-Evaluation and Transition Plan (Transition Plan) under the Americans with Disabilities Act (ADA) to further Los Angeles Unified efforts to comply with ADA Title II program accessibility requirements (Board Report No. 124-17/18). The Transition Plan outlined Los Angeles Unified's proposed approach to providing program accessibility, which considers the characteristics of Los Angeles Unified, student population, variety of educational programs, as well as the existing level of accessibility. The Transition Plan established a specific approach and goals for achieving program accessibility within eight years through facility modifications and operational means.

Under the Transition Plan, each school is assigned to one of three levels of accessibility (Category One, Two, or Three) based on assessments of more than two dozen criteria, including school programs, matriculation options, geographic location, known (or anticipated/matriculating) population of students with disabilities or parents/guardians with disabilities, type of instructional model, and public input. The assigned category reflects the level of accessibility the site needs to meet. Schools that do not yet meet the criteria for their assigned category will undergo accessibility improvements and are prioritized for project development based on the criteria mentioned above. The three categories of accessibility are as follows:

- Category One: These are “key” schools and will have the highest level of access, generally in accordance with applicable physical accessibility standards. Category 1A will provide “full accessibility” for the schools that were built to new construction standards, while Category 1B will provide “high accessibility” for schools that have been altered with some limited exceptions.
- 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.

The three school sites for which an accessibility enhancement project is being proposed do not yet meet their assigned category/level of accessibility and thus require facilities improvements. The scope, schedule, and budget for each proposed project reflects the existing known conditions at each school site and the improvements necessary to meet each schools’ assigned category of accessibility. The conditions of significance include acreage, topography, building square footage, existence of multi-story buildings, age of buildings, as well as the number of schools, programs, features and activities at a school site.

The Board approved an accessibility enhancement project at West Hollywood ES on September 3, 2019 with a budget of \$9,772,120. Subsequently, planning and site investigative studies were initiated which revealed that the accessibility enhancement work planned for the main building would trigger various and costly code upgrades, including structural and fire life safety. With a budget of \$9,772,120, the project at West Hollywood ES is already the most expensive elementary school accessibility enhancement project.

In an effort to help ensure the funding targeted for accessibility enhancement projects can reach more schools and students, staff examined other potential options, in lieu of making facility modifications at West Hollywood ES, to provide an adequate number of program accessible schools in Local District West. Proposing accessibility modifications at Wonderland ES was identified as the ideal alternative to implementing the project at West Hollywood ES. The schools are located 3.4 miles apart, the buildings at Wonderland ES are all expected to perform well in future earthquakes based on AB 300 criteria, and a classroom replacement project is currently underway that will provide various path of travel upgrades. The current budget for the proposed accessibility enhancement project at Wonderland ES is \$1,531,055.

While the standalone accessibility enhancement project at West Hollywood ES is being proposed for cancellation, over the last couple years the school has received various accessibility improvements through the implementation of other bond projects. A Rapid Access Program project provided a ramp to a relocatable building with an accessible restroom, and a Heating, Ventilation, and Air Conditioning project, anticipated to be completed later this year, includes the construction of several accessible ramps throughout the campus and the installation of an accessible sanitary building on the lowest level of the campus. It is anticipated that additional accessibility improvements will be undertaken in the future, through a new standalone accessibility enhancement project during a future phase of the Transition Plan, and/or as part of a different type of project that may be proposed in the future.

**Expected Outcomes:**

Staff anticipates that the Board will adopt the proposed amendment to the Facilities SEP to define and approve three accessibility enhancement projects, as detailed in Exhibit A, and cancel the project at West Hollywood ES. Approval will authorize staff to proceed with the implementation of the proposed projects.

**Board Options and Consequences:**

Adoption of the proposed action will authorize staff to proceed with the expenditure of Bond Program funds to immediately begin designing the accessibility enhancement projects at three school sites. Adoption will also provide for the cancellation of the accessibility enhancement project at West Hollywood ES.

If the Board does not approve the proposal, staff will be unable to initiate the three proposed projects, which are necessary to achieve program accessibility as outlined in the Transition Plan and required for compliance with Section 504 of the Rehabilitation Act and the ADA. Furthermore, the project at West Hollywood ES will continue to be active and staff will need to develop a proposal to redefine the project to include scope to address the structural and fire life safety code requirements and increase the project budget.

**Policy Implications:**

The proposal furthers implementation of the Transition Plan. As outlined in the Transition Plan, at Category One, Two and Three schools, an appropriate number of classrooms will be identified to serve as accessible learning spaces, some of which may require facility improvements to meet the criteria for their assigned accessibility category.

Any potential future room changes by Administrators or Principals will be reviewed by the Division of Special Education, the ADA Compliance Administrator, and the Facilities Services Division to ensure that new accessibility problems are not created as a result of the classroom moves. This will be done in close coordination with school staff to ensure disruptions are minimized.

**Budget Impact:**

The total combined budget, as currently estimated, for the three proposed accessibility enhancement projects is \$10,550,808. The projects will be funded by Bond Program funds in the School Upgrade Program (SUP) targeted for special education facilities (compliance with ADA Title II - Transition Plan) category of capital need.

Each project budget was prepared based on the current information known, and assumptions about the project scope, site conditions, and market conditions. Individual project budgets will be reviewed throughout the planning, design, and construction phases as new information becomes known or unforeseen conditions arise and will be adjusted accordingly to enable the successful completion of each project.

The cancellation of the accessibility enhancement project at West Hollywood ES (Project No. 10370780) will result in approximately \$9,740,000 of unspent funds being returned to the SUP special education facilities (compliance with ADA Title II - Transition Plan) category of capital need.

**Student Impact:**

The three proposed projects will remove barriers to program accessibility for students and qualified members of the community and ensure that all have an equal opportunity to access programs and activities at each campus.

**Issues and Analysis:**

Both Title II of the 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 for 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; however, 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. These proposed projects are in alignment with Los Angeles Unified's implementation of the Board-approved Self-Evaluation and Transition Plan.

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 Citizen's Oversight Committee (BOC) at its meeting on February 25, 2021. Staff has concluded that this proposed Facilities SEP amendment is in alignment with BOC recommendations and will facilitate implementation of the Facilities SEP, and therefore, it will not adversely affect Los Angeles Unified's ability to successfully complete the Facilities SEP.

**Attachments:**

- Exhibit A - Define and Approve Three Accessibility Enhancement Projects
- Exhibit B - Student Eligibility by Program at Three Schools
- Exhibit C - BOC Resolution

**Informatives:**

None.

**Submitted:**

2/19/21

**RESPECTFULLY SUBMITTED,**

**APPROVED BY:**

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AUSTIN BEUTNER  
Superintendent

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MEGAN K. REILLY  
Deputy Superintendent  
Office of the Deputy Superintendent

**REVIEWED BY:**

**APPROVED BY:**

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DEVORA NAVERA REED  
Interim General Counsel

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MARK HOVATTER  
Chief Facilities Executive  
Facilities Services Division

\_\_\_ Approved as to form.

**REVIEWED BY:**

**APPROVED BY:**

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TONY ATIENZA  
Director, Budget Services and Financial Planning

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ANTHONY AGUILAR  
Chief of Special Education, Equity and Access

\_\_\_ Approved as to budget impact statement.

**PRESENTED BY:**

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AARON BRIDGEWATER  
Director of Facilities Planning and Development  
Facilities Services Division



# LOS ANGELES UNIFIED SCHOOL DISTRICT Board of Education Report

## Exhibit A Define and Approve Three Accessibility Enhancement Projects

### 1. Cienega Elementary School Accessibility Enhancement Project

*LA Mid-City Community of Schools, Local District West, Board District 1 (Dr. George J McKenna III)*

Project Background and Scope: The Cienega Elementary School site spans 3.83 acres and is comprised of two K-5 schools/programs, a Spanish-English dual language program and a traditional elementary school program. The building area is approximately 81,759 square feet and includes four multi-story permanent buildings. The buildings were constructed between 1963 and 2004, and some are identified as historical resources. As of the 2020-2021 Electronic Capacity Assessment Review, (E-CAR), the school served 450 students and currently 78 have been identified as having a disability.

The site has been assigned a Category Two accessibility level. In order to meet the criteria for Category Two, various upgrades to four buildings are required, including: upgrades to eight restrooms including 34 restroom accessories, one new wheelchair lift, upgrades to one assembly area, one new assistive listening device, four new door hardware, one drinking fountain upgrade, two furniture accessibility upgrades, one parking lot upgrade, 12 accessible path of travel upgrades, five new railings, four new signs, seven new thresholds and any other required improvements or mitigations to ensure compliance with local, state and/or federal facilities requirements.

Project Budget: \$ 3,750,308

Project Schedule: Construction is anticipated to begin in Q1-2023 and be completed in Q3-2024.

### 2. Wilmington Park Elementary School Accessibility Enhancement Project

*Wilmington Community of Schools, Local District South, Board District 7 (Tanya Ortiz Franklin)*

Project Background and Scope: The Wilmington Park Elementary School site spans 4.63 acres and is comprised of a traditional K-5 elementary school program and a state preschool program. The building area is approximately 89,553 square feet and includes five multi-story permanent buildings, and one relocatable sanitary building. The buildings were constructed between 1925 and 2008. As of the 2020-2021 E-CAR, the school served 585 students and currently 90 have been identified as having a disability.

The site has been assigned a Category Two accessibility level. In order to meet the criteria for Category Two, various upgrades to six buildings are required, including approximately: three new concrete ramps, upgrades to 14 restrooms including 33 restroom accessories, two new wheelchair lifts, one new assistive listening device, one new door/jamb, 24 new door hardware, five drinking fountain upgrades, five furniture accessibility upgrades, one intercom, 41 accessible path of travel upgrades, three existing elevator upgrades, 15 new railings, nine new signs, two new sinks/cabinets, 10 new thresholds, and any other required improvements or mitigations to ensure compliance with local, state and/or federal facilities requirements.

Project Budget: \$ 5,269,445

Project Schedule: Construction is anticipated to begin in Q1-2023 and be completed in Q3-2024.



# LOS ANGELES UNIFIED SCHOOL DISTRICT Board of Education Report

## Exhibit A Define and Approve Three Accessibility Enhancement Projects

### 3. Wonderland Elementary School Accessibility Enhancement Project

*Hollywood Community of Schools, Local District West, Board District 4 (Nick Melvoin)*

Project Background and Scope: The Wonderland Elementary School site spans 2.36 acres and is comprised of two K-5 schools/programs, a gifted magnet center and a traditional elementary school program. The building area is currently approximately 40,165 square feet and includes three multi-story permanent buildings and two single-story permanent buildings. The buildings were constructed between 1957 and 2005. As of the 2020-2021 E-CAR, the school served 468 students and currently 27 have been identified as having a disability.

The site has been assigned a Category Two accessibility level. In order to meet the criteria for Category Two, various upgrades to four buildings are required, including approximately: one new concrete ramp, upgrades to three restrooms including nine restroom accessories, two new assistive listening devices, one automatic door opener, three new door hardware, two drinking fountain upgrades, two furniture accessibility upgrades, two existing elevator upgrades, one accessible path of travel upgrade, two new railings, 10 new signs, one new sink/cabinet, one casework/counter upgrade, two door/jambs, four new thresholds, and any other required improvements or mitigations to ensure compliance with local, state and/or federal facilities requirements.

Project Budget: \$ 1,531,055

Project Schedule: Construction is anticipated to begin in Q1-2023 and be completed in Q1-2024.

## Exhibit B: Student Eligibility by Program at 3 Schools

<b>Disability Category</b>	<b>Cienega ES</b>	<b>Wilmington Park ES</b>	<b>Wonderland ES</b>
Orthopedic Impairment (OI)	<11	0	0
Other Health Impairment (OHI)	<11	<11	<11
Visual Impairment (VI)	0	0	0
Autism (AUT)	15	12	<11
Deafness (DEAF)	0	0	0
Emotional Disturbance (ED)	0	<11	0
Hard of Hearing (HH)	0	<11	0
Intellectual Disability (ID)	16	<11	0
Specific Learning Disability (SLD)	16	50	<11
Speech or Language Impairment (SLI)	21	19	<11
Traumatic Brain Injury (TBI)	0	<11	0
<b>Grand Total</b>	<b>78</b>	<b>90</b>	<b>27</b>

To ensure confidentiality of individual student results and compliance with District policy and State guidelines, data is suppressed if the number of students included in calculations is less than 11.