

Resolution Agreement Reached During an Investigation
Long Beach Unified School District
OCR Case Number
09-11-1220 and 09-11-1780

Long Beach Unified School District (District), without admitting to any violation of law, agrees to implement this *Resolution Agreement Reached During an Investigation* 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 and Title II of the Americans with Disabilities Act of 1990 in the above-referenced OCR case numbers concerning Wilson High School (School).

The District agrees that all new construction or alteration of School facilities commenced from the date of this Agreement forward will comply with the Federal accessibility design standard in place at the time of the new construction or alteration, currently the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 standards).

I. Campus Entrances

A. Main Campus

1. The District will post directional signage at each inaccessible campus entrance and each campus entrance that is kept locked at any time during the school day or during public events. The signage will provide directions to the nearest accessible entrance that remains unlocked and connects to an accessible route through campus.
2. The District will designate accessible campus entrances with an international symbol of accessibility.
3. The District will take effective action to ensure that the gated entrance nearest to the corner of Park Avenue and Tenth Street, between Building 100 and Building 200, remains open at all times that the main campus entrance to Building 100 or the Ximeno Avenue entrance is open.

II. Building 100

A. Internal Route

1. The District will post directional signage at each stairway, indicating the nearest accessible route to reach each floor in the building and to exit the building.

B. Counseling Services and Educational Records Management

1. The District will post directional signage at the first floor stairway entrance to the Counseling Services and Educational Records Management office, indicating an accessible route to the external ground floor entrance to that office.

C. Cafeteria

1. The District will modify or replace a portion of the School's cafeteria dining surfaces so that at least 5% of the seating spaces at the dining surfaces comply with section 902 of the 2010 Standards. This 5%

of accessible seating spaces will be dispersed throughout the cafeteria.

III. Buildings 200 and 300

A. Student and Visitor Restroom – Buildings 200 and 300

1. The District will convert the existing staff restroom located on the first floor in the breezeway area between Buildings 200 and 300 into an accessible restroom available for use by students, parents, and other visitors. The District will post signage at the restroom entrance indicating that the restroom is available for use by disabled students, parents, and other visitors. Directional signage will be posted as required by Federal law in Buildings 200 and 300 indicating the location of this restroom.
2. The District will post instructions on the School website and in the School office for students, parents, and other visitors, explaining the location of and access to this restroom.

IV. Building 400

A. Student Restrooms

1. The District will post signage at the unisex restroom entrance indicating that the restroom is available for use by disabled students, parents, and other visitors as well as staff. The District will also post directional signage as required by Federal law in Building 400 indicating the location of this restroom.
2. The District will post instructions on the School website and in the School office for students, parents, and other visitors explaining the location of and access to this restroom.
3. With respect to the designated accessible boys restroom on the ground floor level, the District will: i) adjust the door opening force of the entrance to require no more than 8 pounds of pressure to open; ii) relocate the toilet paper dispensers in both designated accessible stalls to an accessible height and reach from the toilet; iii) raise the toilet seats in both designated accessible stalls so that the top of the seats fall within 17 to 19 inches from the floor; and iv.) add a side grab bar to the designated accessible stall that does not currently have one, and relocate the seat cover dispenser in that stall to an accessible height and reach.

B. Graphics Arts Classroom

1. The District has designated the main entrance to the Graphics Arts Classroom as the accessible entrance. The District will place an international symbol of accessibility on the designated accessible entrance and directional signage on the other entrance indicating the location of the accessible entrance.

C. Choral Room

1. The District will adjust the opening force of the accessible internal entrance door to the Choral Room to require no more than 5 pounds of pressure to open.
2. The District will install signage that identifies the accessible entrance to the Choral Room, and will

install directional signage at the inaccessible exterior entrance indicating the location of the accessible entrance.

V. Building 500

A. Band Practice Room

1. The District will adjust the opening force of the designated accessible exterior entrance doors to the Band Practice Room in Building 500 to require no more than 8 pounds of pressure to open, and will install accessible door hardware on these doors.
2. The District will install signage that identifies the accessible entrance to the Band Practice Room.

VI. Buildings 600 and 700, Gymnasia

A. The District will adjust the opening force of the accessible exterior entrance door to the Main Gymnasium, Building 600, to require no more than 8 pounds of pressure to open.

B. Small Gymnasium

1. The District will adjust the opening force of the accessible exterior entrance door to the swimming pool facility (Natatorium) in the Small Gymnasium, Building 700, to require no more than 8 pounds of pressure to open.
2. The District will extend the width of the Natatorium viewing platform to provide a total of six wheelchair spaces and six adjacent companion seats, and will install a dedicated wheelchair lift to allow access from the accessible route on the floor of the Natatorium to platform's accessible seating area.
3. As an interim measure, until the new accessible seating area is added and the platform lift is installed, the District will provide a total of 5 wheelchair spaces in front of the viewing platform, and 5 adjacent temporary companion seats on the benches that are currently located in front of the viewing platform.
4. The District will install one portable swimming pool lift on the teaching pool deck/apron and one portable swimming pool lift on the competition pool deck/apron to provide an accessible means for individuals using wheelchairs to enter and exit each of these pools. The entry/exit points for each lift will be located along an accessible route on the floor of the Natatorium and each lift will be capable of unassisted operation from both the deck and water levels. Each portable lift will remain attached to its respective pool deck/apron at all times when the pool is open for use except when it is necessary to temporarily move the lift to another area of the deck/apron to adhere to swimming competition requirements or to maintain an accessible route in the pool area.
5. As an interim measure, until the swimming pool lift is installed, the District will provide trained teachers and aides to manually assist students with mobility impairments, including those using wheelchairs, in and out of the swimming pool.

C. The District will install signage that identifies each accessible entrance to the Main Gymnasium and

the Small Gymnasium, and will install directional signage at each inaccessible entrance indicating the location of the nearest accessible entrance.

D. The District will provide a temporary accessible ticket transaction area on an accessible route to the Gymnasium during all times that the permanent ticket booth is open.

VII. Building 800, Auditorium

A. Entrances/Exits

1. The District will install signage that identifies each accessible entrance to the Auditorium, and will install directional signage at each inaccessible entrance indicating the location of the nearest accessible entrance.

2. The District will alter or replace one set of double doors at the Auditorium main entrance so that the clear width of at least one of the door openings is a minimum of 32 inches wide.

3. The District will reduce and maintain the opening force of the main entrance doors at a maximum of 8 pounds.

B. Restrooms

1. The District will construct one fully accessible women's restroom and one fully accessible men's restroom on the first floor level of the Auditorium.

2. If the Stage Director's office continues to contain a restroom after the Auditorium renovation, the District will modify it so that it is accessible.

3. As an interim measure, until the accessible lobby restrooms are completed, the District will take effective steps to ensure that accessible restrooms in Building 100 are available for use during all programs and activities at the Auditorium. The District will ensure that there are no barriers along the route to access these restrooms, including locked gates, locked entrances to Building 100, or locked elevators, during Auditorium programs and activities. If gates, entrances, or elevators need to be locked at times for security reasons, the District will ensure that trained personnel are stationed along the route and are directed to unlock these elements upon an individual's request to use an accessible restroom. Individuals wishing to use the accessible restroom will not be questioned about the nature of their disabling condition.

C. Seating

1. The District will add the required number and configuration of wheelchair spaces, companion seats, and designated aisle seats complying with sections 221 and 802 of the 2010 Standards. Wheelchair spaces shall be dispersed, and shall provide spectators with choices of seating locations and viewing angles that are substantially equivalent to, or better than, the choices of seating locations and viewing angles available to all other spectators. Wheelchair spaces shall be dispersed horizontally and vertically. Each accessible seating section will be placed along an accessible route leading to an accessible entrance/exit.

2. As an interim measure, until fully accessible seating areas are added, the District will remove a number of fixed seats in the last row of the existing first floor Auditorium seating to provide sufficient space for 6 wheelchair spaces and 6 adjacent companion seats for all programs and activities occurring in the Auditorium. The wheelchair spaces will be placed along an accessible route leading to an accessible entrance/exit. The District will monitor event attendance for wheelchair users on an ongoing basis, and will implement other measures to increase the number of wheelchair spaces and companion seats if necessary to provide overall program access until fully accessible seating areas are added.

3. As to both the interim measure and the permanent installation of accessible seating, the District will implement effective measures to ensure that accessible seating areas are not used for any other purpose other than seating during programs and activities taking place at the Auditorium.

D. Stage

1. The District will construct an accessible internal route from all accessible seating areas up to the surface of the stage.

2. As an interim measure, until the accessible internal route is constructed, the District will take effective measures to ensure that individuals with disabilities needing to access the stage are escorted to and from the South exterior entrance, which is ramped and provides access to the stage area.

E. Classrooms and Dressing Rooms

1. The District will install an elevator and make other alterations necessary to ensure that the classrooms on the second floor, should they continue to exist after the Auditorium renovation, are accessible.

2. The District will construct accessible dressing rooms on the first floor stage level of the Auditorium.

3. As an interim measure, and until the classrooms are made accessible and the new dressing rooms are constructed, the District will relocate classes and/or dressing room use to a comparable accessible area, if individuals with disabilities enroll in a class held on the second floor, or need to use a dressing room for a program or activity in the Auditorium.

VIII. Building 900

A. Career Center

1. The District will install directional signage at the inaccessible exterior entrance to the Career Center, indicating the location of the nearest accessible entrance which is through the Media Center.

2. The District will install signage at the exterior entrance to the Media Center, indicating the accessible internal route from that entrance to the Career Center internal entrance.

3. The District will install accessible door hardware on the interior accessible entrance to the Career Center from inside the Media Center, and will identify this as the accessible entrance.

4. The District will ensure that the operating hours of the Career Center will continue to correspond to the operating hours of the Media Center, at a minimum.

IX. Elevators and Lifts

A. The District will confirm that its elevator and lift key receipt and use agreements have been amended so that students are only charged if a key is not returned due to willful misuse.

B. The District will ensure that each of the three campus lifts is identified by the international symbol of accessibility.

X. Emergency Plan

A. The District will modify the School's Emergency Operations Plan (Plan) to more specifically describe the procedures that will be used to safely and appropriately address the needs of students and visitors with disabilities in case of emergency, including the evacuation of individuals with sensory-related disabilities, individuals with intellectual disabilities, and mobility impaired individuals located on an upper floor of a multi-story building. In modifying the Plan, the District will consider resources available through the U.S. Access Board at <http://www.access-board.gov/evac.htm>. The Plan will provide that emergency procedures for students with disabilities may be modified by an individualized education program (IEP) or Section 504 team based on the individualized needs of the student.

B. The Plan will contain guidelines that are flexible to address the various emergency situations that arise and will specifically describe safe and appropriate means of evacuating mobility-impaired individuals and/or individuals with disabilities who are unable to use stairs, including in situations where immediate evacuation is necessary.

C. The District will provide appropriate ongoing training to School personnel responsible for implementing the Plan with respect to all persons, including individuals with disabilities.

D. The District will provide at least annual notice of the Plan to School personnel, and to students with disabilities and their parents/guardians through the Student/Parent Handbook. A copy of the Plan will be available for review in the School office.

E. The District will describe in the Plan how it appropriately notifies blind and visually impaired students and visitors of information contained in evacuation plan signage posted in rooms and spaces throughout the School.

XI. Relocation of Classes

The District will develop and implement a written procedure requiring the prompt relocation of inaccessible classes at the School to an accessible location when a mobility impaired student wishes to enroll in such classes. The procedure will identify the individual, by position, who will be authorized to promptly implement the change in location. The School will take effective steps to ensure that all School counselors, School representatives on Section 504 teams and IEP teams, and students with disabilities and their parents/guardians are aware of this procedure, and to ensure that no student with a disability is discouraged from enrolling in any class because of its inaccessible location.

XII. Notice of Accessible Features

The District will modify the notices on the School's website to provide more complete information regarding the existence and location of services, activities, and facilities that are accessible including, but not limited to, information about access to offices and classrooms, restrooms, athletics facilities, and the Auditorium. The notices will clarify that the School encourages, but does not require, individuals needing accessibility-related accommodations to notify the School 48 hours in advance.

XIII. West Campus Athletics Field

A. The District will install an accessible route leading from the public sidewalk adjacent to the field to the existing two sets of bleachers.

B. Along the accessible route, the District will construct a level landing on both sides of each existing bleacher, which will be designated for wheelchair seating. The dimensions of the landings will provide sufficient space for wheelchair users to enter and exit the seating areas without the route overlapping clear floor space sufficient to provide the required number of wheelchair spaces, under the 2010 Standards, with an unobstructed line of sight to the field. The companion seat for each wheelchair space will be provided on the bleacher seat closest to the wheelchair space. The wheelchair spaces and companion seats will be appropriately identified.

C. The District confirms that the existing water fountain is inoperable. The District will install two accessible water fountains along the accessible route to the bleachers.

D. As interim measures, until the permanent accessible route and seating areas are complete, the District will:

i) develop and implement a procedure to relocate general education physical education classes and sports practices to an area that has accessible features when a mobility impaired student is enrolled in the class or participates on the sports team;

ii) relocate all District-sponsored or hosted public programs and activities, with the exception of varsity soccer competitions, to the Stadium;

iii) issue public notices for all varsity soccer competitions held on the field that the stairway entrance from the sidewalk to the field level, the path of travel to seating areas, and the seating areas are currently inaccessible; that the District plans to construct an accessible ramp, path of travel, and seating area by the 2014-15 school year; and that until that time the District will have personnel in place to offer assistance to individuals with disabilities to enter West Campus via the existing ramp on Ximeno Avenue, to reach the field along the asphalt pathway between West Campus buildings, and to travel over the field to existing seating areas;

iv) post signage on the fence by the inaccessible stair entrances to the field area, directing individuals with disabilities to the accessible ramp on Ximeno Avenue;

v) provide trained personnel at each varsity soccer competition held on the field to offer

assistance, including physical support such as pushing a wheelchair, to individuals with disabilities to travel from the Ximeno Avenue ramp to and from routinely used seating areas on the field, and to remain within voice distance of the disabled individual(s) to address any accessibility needs during the game, such as the need to leave early or to use a restroom; and

vi) inform all non-District entities that use the field that it is currently inaccessible, and that all outside users are responsible for providing program access for individuals with disabilities until the District's accessibility alterations are complete.

XIV. Stadium

A. Ticket Booths

1. The District will place an accessible ticket booth on both the home and visitors side of the Stadium.
2. As an interim measure, until the permanent ticket booths are in place, the District will provide a temporary accessible ticket transaction area on both the home and visitor side of the Stadium during all times that the permanent ticket booths are open. The temporary transaction areas will be located on an accessible route to the Stadium.
3. Information will be posted at each temporary and permanent ticket transaction area regarding the availability of, and location of, accessible seating areas and restrooms.

B. Path of Travel

1. On the home side, the District will provide an accessible entrance into the Stadium, as well as an accessible path of travel from the entrance to accessible restrooms and to the accessible seating area.
2. As an interim measure, until the accessible entrance and path are complete, the District will widen the existing security point entrance on the home side to a minimum clear width of 32 inches, and will have trained personnel in place to offer assistance to individuals with mobility impairments to ambulate up and down the current sloped area adjacent to the security point.
3. On the visitor side, the District will repair the ground surface in order to provide accessible paths of travel from the entrance to the accessible seating area and accessible restrooms. These paths of travel will be firm, stable, and slip resistant, and will not have vertical changes in level of more than 1/4 inch.
4. On both sides, the District will post signage describing the location of accessible features, including accessible paths of travel, accessible seating, and accessible restroom facilities.
5. The District will ensure that there are no barriers along the route to accessible seating and restrooms, including locked gates, during Stadium programs and activities. If gates need to be locked at times for security reasons, the District will ensure that trained personnel are stationed along the route and are directed to unlock these elements upon an individual's request for accessible seating or to use an accessible restroom. Individuals wishing to use the accessible restroom will not be questioned about the nature of their disabling condition.

C. Seating Platforms

1. The District will expand the designated accessible seating platforms on both sides of the Stadium, toward the centerline of the field. On the home side, the expanded platforms will accommodate 19 wheelchair spaces and 19 companion seats which will not overlap the accessible route along the length of the platforms. On the visitor side, the expanded platforms will accommodate 15 wheelchair spaces and 15 companion seats which will not overlap the accessible route along the length of the platforms.
2. The District will modify the ramp leading up to the home side accessible seating platform to ensure that each ramp section has a maximum running slope of 1:12.
3. For each program or activity at the stadium for which bleacher seating is used, the District will ensure on both the home and visitor sides that companion seats are set up in advance, and that the gates to the accessible seating platforms are open. Individuals requesting accessible seating will not be questioned about the nature of their disabling condition.

D. Restrooms

1. The District will close down the current inaccessible restrooms located under the bleachers on the home side and will discontinue use of the gym restrooms on the visitor side for Stadium events. The District will place a new accessible restroom facility along an accessible route on both the home and visitor sides of the Stadium.
2. In the interim, the District will place accessible unisex porta-potties along an accessible route on both the home and visitor sides of the Stadium.
3. The District will post signage identifying each accessible restroom on both the home and visitor's sides.
4. The District will modify the ramp leading up to the current home side designated accessible restrooms to ensure that the ramp has a maximum running slope of 1:12.
5. The District will make the following modifications to the current men's home side designated accessible restroom:
 - i) reduce the exterior door opening force to a maximum of 8 pounds;
 - ii) provide a door to the accessible stall; and
 - iii) ensure that the front reach to the toilet paper dispenser meets section 604.7 of the 2010 Standards.
6. The District will make the following modifications to the current women's home side designated accessible restroom:
 - i) reduce the exterior door opening force to a maximum of 8 pounds;
 - ii) relocate the toilet cover dispenser in the accessible stall to an accessible reach; and
 - iii) ensure that the front reach to the toilet paper dispenser meets section 604.7 of the 2010 Standards.

7. The District will make the following modifications to the current visitor side designated accessible restroom located on the right side of the landing:

- i) reduce the exterior door opening force to a maximum of 8 pounds;
- ii) relocate the toilet cover dispenser to an accessible reach;
- iii) remove the wooden stand to ensure sufficient maneuvering space; and
- iv) ensure that the front reach to the toilet paper dispenser meets section 604.7 of the 2010 Standards.

8. The District will make the following modifications to the current visitor side designated accessible restroom located on the left side of the landing:

- i) reduce the exterior door opening force to a maximum of 8 pounds;
- ii) relocate the toilet cover dispenser to an accessible reach;
- iii) remove table to ensure sufficient maneuvering space; and
- iv) ensure that the front reach to the toilet paper dispenser meets section 604.7 of the 2010 Standards.

E. Home Team Locker Room Entrance

1. The District will identify the designated accessible exterior entrance to the home team locker room in the Cliff Meyer Team Facility with signage, and will place directional signage on the inaccessible entrance indicating the location of the accessible entrance.

2. The District will survey the ground surface and maneuvering space in the area leading to the designated accessible entrance, and take action necessary to ensure that this area meets the requirements of sections 304 and 404 of the 2010 Standards in terms of changes in level and maneuvering clearance.

3. The District will modify the door threshold at the designated accessible entrance to meet the requirements of section 404.2.5 of the 2010 Standards, and will install accessible door hardware in accordance with section 404.2.7.

XV. West Campus Temporary Parking

A. The District will construct a new parking area on Ximeno Avenue comprised of 6 parking spaces designated for use by individuals with disabilities, including 2 van accessible spaces, along with an accessible route from the parking area to entrances on each side of the Stadium, to the extent this route is located on District property.

B. As an interim measure, until the permanent designated disabled parking area is complete, each time the District provides temporary parking spaces on the West Campus for programs and activities at the School, it will designate the required number of temporary accessible parking spaces, based on the overall number of spaces provided in the area. The temporary accessible parking spaces will be located on an accessible route, will be visually identified as reserved for individuals with disabilities, and will have parking space and access aisle dimensions in accordance with section 502 of the 2010 Standards.

Reporting and Monitoring

By November 15, 2013, the District will submit a report to OCR, along with supporting documentation, confirming that the actions outlined in the following sections of this Agreement have been completed: II.C.1.; IV.A.2.; IV.A.3.i), ii), and iv.); IV.C.1.; V.A.1.; VI.A.; VI.B.1.; VI.B.3.; VI.B.5.; VI.D.; VII.A.3.; VII.B.3.; VII.C.2.; VII.C.3.; VII.D.2; VII.E.3.; VIII.A.3. and 4.; IX.A. and B.; X.A.-E.; XI.; XII.; XIII.D.i), ii), iii), v), and vi); XIV.A.2. and 3.; XIV.B.2. and 5.; XIV.C.3.; XIV.D.2., 5., 6., 7., and 8.; and XV.B.

By January 15, 2014, the District will provide a report to OCR describing its progress toward completing the remaining actions required by this Agreement. By September 1, 2014, the District will submit a report to OCR, along with supporting documentation, confirming that the actions outlined in the following sections of this Agreement have been completed: I.A.1.-3.; II.A. and B.; III.A.1. and 2.; IV.A.1.; IV.A.3.iii); IV.B.; IV.C.2.; V.A.2.; VI.C.; VIII.A.1. and 2.; XIII.A., B., C., and D.iv.); XIV.D.3. and 4.; XIV.E.; and XV.A.

By January 15, 2015, the District will provide a report to OCR describing its progress toward completing the remaining actions required by this Agreement. By September 1, 2015, the District will submit a report to OCR, along with supporting documentation, confirming that the actions outlined in the following sections of this Agreement have been completed: VI.B.2.; VI.B.4.; XIV.A.1.; XIV.B.1.; XIV.B.3. and 4.; XIV.C.1. and 2.; and XIV.D.1.

By January 15, 2016, the District will provide a report to OCR describing its progress toward completing the remaining actions required by this Agreement. By September 1, 2016, the District will submit a report to OCR, along with supporting documentation, confirming that the actions outlined in the following sections of this Agreement have been completed: VII.A.1. and 2.; VII.B.1. and 2.; VII.C.1.; VII.D.1.; and VII.E.1. and 2.

The District understands that by signing this Agreement it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 regulation implementing Section 504, at 34 C.F.R. §§104.21-104.23, and Title II, at 28 C.F.R. §§35.149-35.151 and §35.163, which were at issue in this case. 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 these regulations with respect to the issues raised by this complaint.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

OCR recognizes that the schedules and scope of work indicated herein may be impacted by outside agencies' oversight and approval of the projects outlined herein. The District will notify OCR should such circumstances occur. OCR and the District agree to cooperate in revising the schedule and/or scope of work at issue, to comply with outside agencies' requirements and demands, consistent with Federal law.

/s/

February 2, 2014

Christopher Steinhauser
Superintendent

Date