

Resolution Agreement
Long Beach Unified School District
OCR Case Number
09-12-1452

Long Beach Unified School District (District), without admitting to any violation of law, agrees to implement this Resolution 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 (Title II) in the above-referenced OCR case number concerning Polytechnic 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 new construction or alteration, currently the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 standards).

I. Swimming Pool Facility (Natatorium) and Locker Rooms

- A. The District will post the international symbol of accessibility at accessible entrances to the Natatorium and will adjust their opening force to require no more than 8.5 pounds of pressure to open. Inaccessible entrances will be posted with directional signs indicating the location of the nearest accessible entrance.
- B. The District will adjust the floor surface in the hallway leading to the girls locker room restroom so that any level change meets the requirements of section 303 of the 2010 Standards.
- C. The District will ensure that the alterations currently being made to the first boys locker room restroom meet the 2010 Standards.
- D. Second Boys Locker Room Restroom
 - 1. The District will adjust the entrance door opening force to require no more than 5 pounds of pressure to open.
 - 2. The District will adjust the location of the toilet paper dispenser in the accessible stall to have a maximum forward reach of 9 inches from the front edge of the toilet.
- E. The District will adjust the location of the toilet paper dispenser in the girls locker room restroom accessible stall to have a maximum forward reach of 9 inches from the front edge of the toilet.
- F. The District will adjust the opening force of the two interior entrance doors to the girls locker room to require no more than 5 pounds of pressure to open.

- G. The District will visually designate the wheelchair spaces and companion seating spaces in the swimming pool observation/spectator area as accessible seating.
- H. The District will replace or make operable the swimming pool lift to provide an accessible means for individuals using wheelchairs to enter and exit the pool. The entry/exit point for the lift will be located along an accessible route and the lift will be capable of unassisted operation from both the deck and water levels.

II. Auditorium

- A. The District will take action, including adjusting opening force, to ensure that at least 60% of all public entrances to the Auditorium are accessible. The District will post the international symbol of accessibility at accessible entrances. Inaccessible entrances will be posted with directional signs indicating the location of the nearest accessible entrance.
- B. Seating
 - a. 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.
 - b. After 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.
- C. The District will provide accessible paths of travel from accessible entrances/exits to accessible elements of the Auditorium, including: accessible seating on the main floor and balcony/mezzanine levels; accessible restrooms; and to and through the entrance of Room 31.
- D. The District will construct fully accessible men's and women's restrooms on the ground level and on the balcony/mezzanine level.
- E. The District will provide an accessible path of travel to the ticket booth. The ticket booth counter surface will be altered to meet the requirements of section 227.3 and 904.4 of the 2010 Standards.

III. Campus Entrances

- A. The District will post the international symbol of accessibility at each accessible entrance to campus.
- B. 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.

IV. Parking

A. Parking Garage

- 1. The District will post the international symbol of accessibility at the main (east side) pedestrian entrance to the parking garage.
- 2. The District will post directional signage at the inaccessible (west side) pedestrian entrance indicating the location of the nearest accessible pedestrian entrance.
- 3. The District will add a van accessible parking space to the garage in an area closest to the accessible entrance. The van accessible space will meet the requirements of section 502 of the 2010 Standards.

B. Parking Lots

1. Lot 1 – Student and Staff Parking

- a. The District will re-surface and re-stripe this parking lot, containing a total of 374 parking spaces, and will designate eight accessible parking spaces for students and staff. Two of the designated spaces will be van accessible. The designated spaces will be placed on an accessible route in an area located closest to accessible building entrances. The accessible route will not require disabled individuals to travel behind parked cars other than their own.
- b. The designated accessible parking spaces will meet the requirements of section 502 of the 2010 Standards.

2. Visitor Parking Lot

- a. The District will re-surface and re-stripe this parking lot, containing a total of nine parking spaces, and will designate two accessible parking spaces for

visitors. One of the designated spaces will be van accessible. The designated spaces will be placed on an accessible route in an area located closest to accessible building entrances. The accessible route will not require disabled individuals to travel behind parked cars other than their own.

- b. The designated accessible parking spaces will meet the requirements of section 502 of the 2010 Standards.

V. Building 100

1. The District will adjust the opening force of exterior entrance doors to require no more than 8.5 pounds of pressure to open.
2. The District will post directional signs at first and second floor stairwells indicating the location of the nearest accessible path of travel via elevator and covered walkway from the first floor to the second, and from the second floor to the first.
3. First Floor Boys Restroom
 - a. The District will adjust the entrance door opening force to require no more than 5 pounds of pressure to open.
 - b. The District will repair the toilet paper dispenser below the grab bar in the accessible stall and ensure that it is consistently stocked.
 - c. The District will implement its transition plan to:
 - i. provide a level landing at the restroom entrance;
 - ii. install signage at the entrance that includes the international symbol of accessibility;
 - iii. reconfigure the toilet compartment to provide a compliant door that is located adjacent to the water closet;
 - iv. create an accessible 36" wide alternate compartment in addition to the required accessible standard compartment in the restroom; and
 - v. insulate the water pipes under the lavatories.
4. First Floor Girls Restroom
 - a. The District will adjust the entrance door opening force to require no more than 5 pounds of pressure to open.

- b. The District will repair the toilet paper dispenser below the grab bars in the accessible stall and ensure that it is consistently stocked.
- c. The District will adjust the toilet paper dispenser in the accessible stall to have a maximum forward reach of 9 inches from the front edge of the toilet.
- d. The District will implement its transition plan to:
 - i. install signage at the entrance that includes the international symbol of accessibility;
 - ii. provide a level landing at the entrance;
 - iii. relocate the restroom to an accessible level or provide an accessible path of travel to it;
 - iv. provide for feminine products disposal at the required distance from the front of the toilet in the accessible stall;
 - v. relocate the toilet paper dispenser so it does not interfere with use of the grab bar in the accessible stall;
 - vi. provide an automatic door closer, spring hinge, pull bar or accessible handle on the inside of the door in the accessible stall; and
 - vii. insulate the supply lines and water pipes under the lavatories.

VI. Building 200

1. The District will post the international symbol of accessibility at accessible entrances. Inaccessible entrances will be posted with directional signage indicating the location of the nearest accessible entrance.
2. The District will adjust the opening force of exterior entrance doors to require no more than 8.5 pounds of pressure to open.
3. The District will post directional signs at the first and second floor stairwells indicating the location of the nearest accessible path of travel via elevator from the first floor to the second floor, and from the second floor to the first.

VII. Building 300

1. The District will post a directional sign at the side entrance, facing Atlantic Avenue, indicating the location of the nearest open accessible entrance.
2. The District will post directional signs at the first and second floor stairwells indicating the location of the nearest accessible path of travel via elevator from the first floor to the second floor, and from the second floor to the first.

VIII. Building 400

The District will post directional signs at the first and second floor stairwells indicating the location of the nearest accessible path of travel via elevator and covered walkway from the first to the second floor, and from the second floor to the first.

IX. Building 500

1. The District will post directional signs at the first and second floor stairwells indicating the location of the nearest accessible path of travel via elevator, covered walkway, and through Building 400 from the first to the second floor of Building 500, and from the second floor to the first.
2. 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.

X. Building 800

1. The District will post the international symbol of accessibility at the accessible entrance. Inaccessible entrances will be posted with directional signs indicating the location of the nearest accessible entrance.

XI. Building 850

The District will post the international symbol of accessibility at accessible entrances to the classrooms from the interior of campus. Inaccessible classroom entrances facing Jackrabbit Lane are kept locked and will be posted with directional signs indicating the location of the nearest accessible entrance.

XII. Outdoor Seating

The District will modify or replace a portion of the School's outdoor 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 where outdoor seating is located throughout campus.

XIII. Classroom Relocation Policy

The District will develop and publish a written policy 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: a) all School counselors, School representatives on Section 504 teams and individualized education program (IEP) teams, and students with disabilities and their parents/guardians are aware of this procedure; and b) that no student with a disability is discouraged from enrolling in any class because of its inaccessible location.

XIV. Notice of Accessible Features

The District will develop and publish a notice on the School's website to provide students, parents/guardians, other visitors, and employees with information regarding the existence and location of services, activities, and facilities that are accessible at the School including, but not limited to, information about access to campus entrances, offices and classrooms, restrooms, the cafeteria, parking, athletics facilities, and the Auditorium.

XV. Reporting and Monitoring

By September 15, 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: I.B.-H., IV.B., V.1., V.3.a.-b., V.3.c.v., V.4.a.-c., V.4.d.iv.-vii., VI.2., IX.2., XII., XIII., and XIV. By the same date, the District will confirm that it has placed temporary signage in each of the areas requiring signage under this Agreement and that the temporary signage will be maintained until permanent signage is in place.

By December 15, 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: I.A., III., IV., V.2., V.3.c.ii., V.4.d.i., VI.1., VI.3., VII., VIII., IX.1., X.1., and XI. By the same date, the District will describe its progress toward completing the remaining actions required by this Agreement.

By October 15, 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: II., V.3.c.i., V.3.c.iii.-iv., and V.4.d.ii.

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 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.

_____/s/_____
Christopher Steinhauser
Superintendent

_____06/18/2015_____
Date