

**Office of the Independent Monitor**  
Modified Consent Decree  
333 So. Beaudry Avenue, 18<sup>th</sup> Floor  
Los Angeles, California 90017  
Tel: (213) 241-1797  
Fax: (213) 241-7551

FREDERICK J. WEINTRAUB  
*Independent Monitor*

JAY R. ALLEMAN  
*Chief Analyst*

JAIME E. HERNANDEZ  
*Director of Research*

August 14, 2008

David Brewer III  
Superintendent of Schools  
Los Angeles Unified School District  
333 S. Beaudry Avenue, 24<sup>th</sup> Floor  
Los Angeles, CA 90017

**Re: Summary of meeting between the Office of the Independent Monitor and the Facilities Services Division**

Dear Mr. Brewer:

During the week of July 14, the Office of the Independent Monitor (OIM) and personnel from the District's facilities division met for three days to discuss, clarify and resolve expectations pertaining to Section 10 of the Modified Consent Decree. In addition to staff and consultants from the OIM and facilities, representatives from the Office of the General Counsel, Office of the Inspector General and the Bond Oversight Committee participated.

The following is a summary of agreements and understandings reached at the meetings.

**\$67.5 Million Projects**

On June 2, 2008, the District submitted a binder with the access compliance work completed at Peary Middle School. This binder and work completed was utilized for the purposes of working through and developing a clear understanding of what should be expected. To achieve this, the OIM and District engaged in the following activities:

1. A joint site inspection of Peary MS to identify areas of non-compliance and identify compliance disagreements
2. Discussion of necessary documentation of binder contents

As a result of the site inspection and subsequent meetings the following agreements were reached:

1. Determination of whether work done is compliant will be based on code requirements at the time of completion of the plan design and subsequent approval of DSA. Any

additional repairs or renovations that were not part of the project scope of work will be performed to the current code. For example, if signage were to be added next week, the signage would be installed to the code requirements of 2008. To facilitate OIM and District inspections it was agreed that the District would document the applicable code for renovation or repair submitted for approval.

2. The District will provide to the OIM additional documentation to resolve any outstanding disagreements associated with non-compliant findings.
3. For renovations or repairs that do not meet code because of existing conditions the OIM will approve them if they have been approved by DSA. The District agreed to document DSA approval.
4. On the matter of tolerances the OIM noted that it would inspect with reasonable flexibility.
5. Signage will be included on any project submitted for approval regardless of whether it was included in the approved plan.
6. While it is recognized that projects submitted for credit are often part of larger projects, it is essential that the scope of work specify exactly what work has been done for which credit is being sought. The scope of work must be consistent with the Independent Monitor's letter of May 13, 2008 regarding partial completion of access compliance projects. The OIM will only inspect the work that has been specified.
7. The District may include in its scope of work renovations or repairs that are beyond the scope of the original contract.
8. Since many of the matters pertaining to disagreements over compliance with access standards at Peary Middle were resolved during the course of the meeting, Mr. John Ziegler, from Converse Consultants, was asked by the IM whether he still agreed with his letter of May 15, 2008 where he questioned the quality of the OIM inspections at three other schools. Mr. Ziegler agreed to revisit his review and get back to the IM. Since Mr. Ziegler is a District consultant the IM expects that the letter the IM receives will also be the District's position.

After discussion of matters relating to the documentation of expenditures for projects submitted the following understandings and agreements were reached:

1. Documentation of expenditures will be provided for each project detailed in the scope of work. For example, renovating a bathroom.
2. Recognizing that the type of documentation will need to vary with the project, the District may use a variety of evidence to support the credit being sought. Including, but not limited to, invoices, percentages of larger documented expenditures and industry standards.
3. The OIM will determine if the amount of credit being sought is reasonable.

## **20 M Projects**

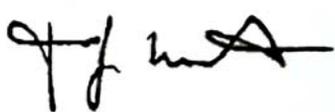
The contents of the binder for projects associated with the on-demand facilities program were noted to be overall more complete and to contain the necessary evidence of expenditures required. The District agreed with many of the non-compliant findings identified at two previously inspected schools and noted that these deficiencies will be corrected. The District may proceed with submitting binders to the OIM for approval. If the District has any further questions related to the on-demand projects it will raise them with the OIM.

## New School Surveys

An update was provided regarding the completion of the site surveys of the 54 new schools identified by the stipulation entered into by the District and Plaintiffs. The District reported that the initial report of the first wave of surveys (14 schools) would be submitted to the plaintiffs on July 25, 2008. The District noted that the original survey data, completed by four independent A/E firms, was being re-formatted, re-categorized and presented in spreadsheets. The District further indicated that accompany the field survey results would be corrective action plan inclusive of procedures to validate that the deficiencies were corrected properly. This validation would be conducted by the independent A/E firms as well as District inspectors. In addition, the District noted recent efforts to implement quality assurance procedures to identify non-compliant work prior to the approval of substantial completion. The OIM will be conducting a validation inspection at four of the first wave schools.

As a result of the deficiencies noted, the District has put several procedures in place that require specific focus on ADA compliance throughout the design and construction process for all remaining new schools. During the design phase, the AE is required to confirm use of the DSA accessibility checklist, the design quality assurance group established a couple years ago now reviews for ADA compliance issues, and design guidelines were revised to emphasize minimum and maximum design dimensions specified in the code. During the construction phase, regularly scheduled training has been put in place for project managers and inspectors, the DSA accessibility checklist is now required to be used in project documentation, and the DSA access compliance representative is being scheduled to visit at key project milestones. Finally, four architectural firms with ADA compliance expertise have been hired and are doing a third party post-construction ADA compliance inspection of all new schools. The District is confident that these measures combined with the fact that all of our AEs are now experienced in school construction will eliminate ADA compliance issues in the coming new schools. IM cautioned the District about the importance of ensuring that the new schools meet access compliance standards.

Respectfully Submitted,



Frederick J. Weintraub  
Independent Monitor



Guy Mehula  
Chief Facilities Executive

c: Ramon Cortines, Robert Myers, Catherine Blakemore, Donnalyn Jaque-Antón, Roberta Fesler Diane Pappas, Deneen Cox, Brigitte Ammons, Thomas Hehir, Bruce Kendall, Lon Lease John Ziegler, Jerry Thornton, Thomas Rubin, Michael Rustom, Barbara Thorpe