



Los Angeles Unified School District

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September 3, 2015

Dr. David Rostetter, Independent Monitor
Office of the Independent Monitor
Modified Consent Decree
333 South Beaudry Avenue, 18th Floor
Los Angeles, California 90017

Re: District Response to September 3, 2015 Letter Entitled Complete Transition Plans

Dear Dr. Rostetter:

I am in receipt of your September 3, 2015 letter and feel it is necessary to respond to each of the statements contained therein. I have met with Mr. Arrington and Mr. Torres several times this week following your discussion with them on August 31, 2015 and upon receipt of your letter today, I engaged in a lengthy discussion with them regarding the contents of your letter in order to be able to respond accordingly.

The facts as they occurred on August 31, 2015 are not accurately stated in your letter. Many of your statements are misrepresentations and contain quite accusatory and adversarial language. In many instances you have applied statements to Mr. Arrington and Mr. Torres that are not true. Below is the District's response to specific sentences contained in your letter:

“At this time, we were made aware by Mr. Arrington and Mr. Torres that information contained in the transition plans were not included in the documents we received. This includes findings of all barriers identified, priority codes, and the schedule for removal of such barriers.”

This is not a factual statement. On August 22, 2015, I emailed copies of 22 site transition plans to Jaime Hernandez which Mr. Arrington provided to me for that purpose. Mr. Hernandez subsequently informed me on August 24, 2015 that he did not receive 5 of the site transition plans in the initial email transmission. I then provided those 5 site transition plans to him on August 24, 2015. Neither Mr. Arrington nor Mr. Torres made you, your staff or your consultants aware that “information contained in the transition plans were not included in the documents we received.” It bears noting that neither Mr. Arrington nor Mr. Torres has

multiple sets of site transition plans from which they are referencing or providing to you. The 1st Street Elementary School site transition plan was developed utilizing the Microsoft Excel program. One of the advantages of utilizing an Excel spreadsheet to store and display the necessary ADA Title II data is the capability of the program to sort data. This is routinely done by sorting, collapsing and expanding columns in different cells of the spreadsheet. To that end, the spreadsheet clearly shows all of the data contained in columns A, B, C, D, E, F, G, H, O, T, W, X, and Y in an expanded view and that columns I, J, K, L, M, N, P, Q, R, S, U, and V are collapsed. The information in all of the columns is in the spreadsheet though some columns are expanded and others are collapsed which is the same as saying some of the columns are hidden and some of the columns are not hidden.

“He gave an example that 1st St. Elementary school may have had 400 findings in the survey we received, but a total of 900 were identified.”

As a clarification to the example Mr. Arrington provided to you during your discussion on August 31, 2015, Mr. Arrington has informed me that although 1st Street Elementary may have 900 items identified, only 400 findings are included in the site transition plan as he also explained to you. Those 400 items are the only items of the 900 items that effect program accessibility. The remainder of those 900 items is not an obligation for the District to remove for program accessibility under the requirements of ADA Title II.

“Mr. Arrington stated columns were “hidden” from us and provided inconsistent explanations as to why specific information was not included.

Mr. Arrington’s explanation was not inconsistent. In fact, in response to your assertion that the site transition plan was incomplete, Mr. Arrington stated during your discussion on August 31, 2015 that the site transition plan is not incomplete but that the scheduling of the barriers to be removed in order to provide program accessibility and to comply with ADA Title II is a work in progress. As stated above, Mr. Arrington explained that utilizing the Microsoft Excel spreadsheet capabilities, those columns that showed the schedule when expanded, were collapsed or hidden because the scheduling was a work in progress.

“He stated that the estimated schedule for removal of barriers could not be determined until the Superintendent and Board of Education approved a budget to address ADA requirements.”

This sentence is actually factual. The Board of Education has not yet approved the District-wide Transition Plan and the budget for removing barriers to program accessibility as required by ADA Title II. The Transition Plan will be presented to the Board in upcoming months.

“Further, Mr. Torres indicated that the OIM would not be privy to such information.”

Mr. Torres did not make any statements to you during your August 31, 2015 discussions that indicated the “the OIM would not be privy to such information.” In fact, Mr. Torres has informed me that he did not make any such statements to you about the OIM not being privy to this information or any other item you discussed on August 31, 2015.

“On Sept. 1, Mr. Arrington emailed a copy of an extract of the transition plan for 1st St Elementary school, which contained information on the passenger loading zone. Upon opening the document on the iPhone, the following columns were visible with the following information:

Use code - G, SEV code - B, DOJ code - 1, Responsibility code -1, and estimated removal date of 3/31/17.

These columns are hidden when opened on a desk or laptop. Upon reviewing the documents on the iPhone sent by you, on August 24, all columns are visible. Subsequently, we were able to unlock these columns in Excel.”

The site transition plan Mr. Arrington emailed to Mr. Hernandez on September 1, 2015 for 1st Street Elementary School is the same document I provided to Mr. Hernandez on August 22, 2015. The September 1, 2015 email Ken Arrington sent to Mr. Hernandez contained a sorted Excel spreadsheet to highlight where the information your consultant, Mike Boga indicated was not contained in the Transition Plan appeared in the site transition plan. Mr. Arrington used the Excel sorting function to preclude the OIM from having to review each row of the spreadsheet to locate where the information appeared in the document. Again, Mr. Arrington does not have multiple sets of site transition plans for 1st Street Elementary from which he is referencing or providing to you. Mr. Arrington did not “email a copy of an extract of the transition plan for 1st St Elementary school.” The entire excel document was provided but it was sorted for the OIM’s ease of reference. Moreover, the columns were not locked or only possible to be viewed on a certain type of computer. As is apparent from your statement, your office was able to utilize the excel function to unhide/expand the columns that contained the “Use code - G, SEV code - B, DOJ code - 1, Responsibility code -1, and estimated removal date of 3/31/17” which is how the spreadsheet is designed.

“Given that these columns exist and contain values, and the statements made by Mr. Torres and Mr. Arrington, we understand this information was deliberately hidden and withheld.”

This statement constitutes an unfounded accusation and allegation. If the District was deliberately hiding or withholding information as you state in your letter, a pdf copy of the Excel spreadsheet would have been provided to Mr. Hernandez so that the ability to utilize the functions of the spreadsheet would be impossible. The copies of all 22 of the Excel spreadsheets containing site transition plans including 1st Street Elementary School which I emailed to Mr. Hernandez on August 22, 2015 and August 24, 2015 since he did not receive the copy I sent on August 22, 2015 as well as the copy of the 1st Street Elementary School Excel spreadsheet Mr. Arrington provided on September 1, 2015 were not locked and are all fully sortable.

I am aware that you have respectfully requested complete transition plans in your September 3, 2015 letter, including all findings, by September 14, 2015. I will be responding to you in a separate letter next week and hope that we will have an opportunity to discuss this request early next week.

Mischaracterizations such as those indicated above impede progress toward fulfilling our mutual desire to comply with the requirements of the Modified Consent Decree. Further, this is not in the best interest of the students of this District or compliance with the ADA Title II requirements.

Sincerely,



D. Deneen Evans Cox
Associate General Counsel I

c: Superintendent Ramon Cortines
Mark Hovatter
Michael Torres
Kenneth Arrington