

Office of the Independent Monitor
Report on the Effectiveness of the Scopes of Work
to Ensure Program Accessibility
May 20, 2016

On March 29 and 30, 2016, the Office of the Independent Monitor (OIM) and its consultants visited six schools to gauge the effectiveness of the Barrier Removal Reports (provided by the District in February 2016; referred to as scopes of work [SOWs]) for ensuring program accessibility. The OIM also conducted a SOWs desk audit—which included a comparison of the SOWs with the Architectural Access Surveys (referred to as surveys) submitted to the OIM in August 2015—to examine whether the SOWs adequately addressed program accessibility. Analyses of the original surveys and the implementation of the process outlined in the District-wide Transition Plan were also included.

This report includes the findings of the review to provide the District feedback as it proceeds with the implementation of its District-wide Transition Plan.

Effectiveness of the Scopes of Work

In February 2016, the District provided the OIM 20 SOWs that aligned with the stand-alone barrier removal projects in the District-wide Transition Plan to be completed by December 31, 2016. These schools had been previously identified, with initial surveys submitted in 2015.

The SOWs show the District’s commitment to barrier removal at each site. The OIM’s initial observation of the February 2016 reports was on each project’s reduced scope. To better understand the decision-making process for SOWs development, the OIM visited six sites and conducted a desk audit of each project.

Difference in Number of Findings between Surveys and SOWs

A significant difference exists between the SOWs and the 2015 surveys regarding the programmatic barriers identified to be removed. A comparison of the number of findings from each source by site is included below (Table 1). For example, 153rd Street Elementary School had 716 findings in the 2015 survey, whereas the 2016 SOWs included 20 findings and barriers to be removed. It is unclear why 696 barriers were absent from the survey report. In addition, the District stated in 2015 that its submitted plans contained only programmatic barriers and were not comprehensive surveys identifying all potential barriers. Thus, the decision-making process for determining which barriers impact program accessibility is even less clear.

Table 1. Programmatic Barriers Identified by School

School Site	2015 Survey Report	2016 SOW Report	Number of Findings Removed	Percentage of Findings Removed
153 rd Street Elementary School	716	20	696	97.2%
52 nd Street Elementary School	421	33	388	92.2%
6 th Avenue Elementary School	407	10	397	97.5%
Albion Street Elementary School	578	8	570	98.6%
Ambler Avenue Elementary School	581	29	552	95.0%

Annandale Elementary School	398	25	373	93.7%
Blythe Street Elementary School	396	64	332	83.8%
Broadous Elementary School	754	26	728	96.5%
Coldwater Canyon Elementary School	481	38	443	92.0%
El Sereno Middle School	1,317	30	1,287	97.7%
Erwin Street Elementary School	809	17	792	97.9%
Kennedy Elementary School	656	6	650	99.0%
Lawrence Middle School	1,076	11	1,065	98.9%
Marianna Avenue Elementary School	324	16	308	95.0%
O'Melveny Elementary School	569	32	537	94.4%
President Avenue Elementary School	497	42	455	91.5%
Robert Hill Lane Elementary School	585	19	566	96.7%
Short Avenue Elementary School	336	34	302	89.8%
Stephen White Middle School	1,357	28	1,329	97.9%
Taper Avenue Elementary School	556	30	526	94.6%

Analysis of Content of Surveys (2015) and SOWs (2016)

All SOWs contain only a small percentage of the items identified in the prior programmatic surveys and lack areas that provide program access for students and persons with disabilities. It appears that the minimal findings in the 2016 SOWs were selected without prioritizing program access. In many cases, the 2016 SOWs were void of primary areas (e.g., auditoriums, restrooms, drinking fountains) that provide access to students and persons with disabilities. The majority of SOWs focused on programmatic barriers such as passenger loading zones, running slopes of paths of travel, and select restrooms.

The District must provide an explanation of how this process took place and why programmatic barriers were omitted when the District previously identified these areas of noncompliance as denying access to programs, services, and activities. This explanation must include a description of the decision-making process and staff responsible for the removal of a significant number of findings from the 2015 surveys, compared to the minor percentage of the original barriers in the SOWs.

Application of Standards and Codes

Surveys and SOWs continue to reference the Americans with Disabilities Act (ADA) Safe Harbor provisions as what can only be interpreted as an excuse for not complying with the California Building Code (CBC) standard required at the time the school was built or underwent major remodeling or renovation. The District’s statement that the requirement was a “state standard under DSA” and “was not required to be used”, is erroneous. There are many examples of this improper application of standards.

CBC standards are required for schools constructed in California. In addition, the Districts are required to submit plans to the Division of the State Architect (DSA) for approval. The District’s explanation appears to be an attempt to avoid applying the state and DSA standards that are required for plan approval.

Furthermore, schools constructed and remodeled in California since 1983 are required to follow CBC and DSA procedures. It is unclear why the District feels it does not need to follow requirements other than ADA standards. This is also contradictory to the way the District operates and the DSA process it relies on to ensure compliance. Furthermore, it is unclear how plans were approved by the DSA if only federal standards were used. Again, the DSA requires the application of State of California Building Code standards.

Examples in which the District stated that there was “No Action Required” because they are “State” requirements include:

1. Lavatory centerline to wall at minimum 18”
2. Gender use door signage on restroom entrance door
3. Contrasting striping on stair treads
4. Directional signage
5. Door closing speed
6. Level landings at stairs
7. Clear floor space at a platform lift of 60’ x 60’
8. Drinking fountain not in alcove or having wing guards
9. Minimum 48” width for ramps
10. Required 4” ramp edge protection

In its surveys and SOWs, the District continually claims that items do not need to be removed because it is only a State of California DSA standard. However, this is incorrect: The ADA indicates that a state standard applies if its standard is higher than the federal ADA standard.

In addition, the District has a longstanding agreement with the OIM that remodeling and renovation will use the newest accessibility standards and codes. The DSA also has this requirement.

Summary

The effectiveness of the SOWs falls short of ensuring program accessibility and meeting the ADA’s transition plan requirements. The limited scope, failure to address basic common areas of program accessibility, misapplication of code and standards, singular timeline for all barrier removal, and lack of information required to be considered a site transition plan render the SOWs grossly inadequate. Although the SOWs may serve the District’s need to address select barriers at schools, it fails to move the District forward in meeting the Modified Consent Decree (MCD) and ADA requirements.

March 2016 OIM Site Visits—Summary of School Site Compliance

Six schools (153rd Street Elementary, Ambler Avenue Elementary, Broadous Elementary, El Sereno Middle School, Erwin Street Elementary, and Stephen White Middle School) were given a cursory walk-through inspection, which revealed barriers to basic program access. The inspection included only selected areas.

The following highlights broad findings of noncompliance from the site visit. The majority of these findings were not identified or addressed in the SOWs.

Passenger loading zones: Not one school had a compliant bus or passenger loading zone.

Entrance to the school campus from the public right of way: At Ambler Avenue Elementary, there was no accessible route starting from the public right of way (stair access only) to the campus and main office.

Main office entrance: The main office entrances at 153rd Street Elementary, Ambler Avenue Elementary, Broadous Elementary, and Stephen White Middle School had multiple barriers to access, including door hardware, signage, thresholds, and door closers.

Access to the auditorium/multipurpose room: All schools had nonaccessible items such as entrance doors, signage, and wheelchair and aisle-side seating. Only two schools had access to the stage by way of a platform lift; both lifts had multiple compliance issues.

Accessible tables: All schools had multiple compliance issues with accessible seating in lunch areas.

Drinking fountains: Many areas of the schools had noncompliant drinking fountains.

Restrooms: All schools had multiple noncompliant issues with both student and staff restrooms.

Special education classrooms: Several schools had multiple issues with access to student classrooms, such as tripping hazards and noncompliant ramps, paths of travel, entrance door hardware, and signage.

More specific findings are included to illustrate the areas of noncompliance noted at each site.

153rd Street Elementary School

1. *Passenger loading zone.* The loading zone in front of the main office does not provide an accessible route to the school due to the lack of a curb ramp. There is no striping or signage.
2. *Main office.* There is no accessible signage at the office entrance. There is a tripping hazard larger than 1” on the path of travel from the public right of way to the main office.
3. *Special education restroom near the main office.* There is no compliant wall signage at the entrance. The restroom has a mix of adult- and child-accessible standards for the water closet and lavatory.
4. *Auditorium.* The entrance door has a threshold greater than a beveled ½”, the bottom 10” is not smooth, and there is no room signage. There is fixed seating; no wheelchair seating is provided. The stage is nonaccessible due to a lack of vertical access, and the two restrooms have no accessible features.
5. *Special education restroom.* The restroom had no standard accessible toilet compartment; adult and child standards were used to provide access.
6. *Portable classroom 23.* The classroom is stair access only. Stairs lack handrails on both sides and tread striping. There is no clear floor space at the entrance door. The entrance door does not have accessible hardware or signage.

Ambler Avenue Elementary School

1. *Access to school from the public right of way.* There is no accessible route to the school entrance—only stair access. The stairs do not have compliant handrails or striping. There is a tripping hazard next to the stairs with an opening larger than ½”.
2. *Passenger loading zone.* There is a loading zone in front of the main office; however, it does not provide an accessible route to the school due to the lack of a curb ramp. There is no striping or signage.
3. *Main office.* The main office is nonaccessible; access is by stairs only. The entrance door does not provide at least 78” of vertical clearance due to the door closer. The threshold is greater than a beveled ½”. From the office to the campus, there is stair access only. The stairs have no handrails and no stair tread striping.
4. *Auditorium.* The entrance door does not have signage, and the bottom 10” is not smooth. There is fixed seating with no compliant wheelchair seating areas. The stairs to the stage do not provide compliant handrails on both sides or stair tread striping. The stage is nonaccessible due to the lack of a lift or other means of vertical access.

Broadous Elementary School

1. *Passenger loading zone.* The loading zones at the main office and next to the parent center do not have compliant striping, signage, or curb ramps to provide vertical access to the adjacent sidewalk.
2. *Accessible parking spaces.* The two parking spaces do not have compliant signage, the design requires travel behind other vehicles, and the tow sign at the lot entrance is not filled in.
3. *Main office.* The entrance door does not have accessible hardware, the bottom 10” is not smooth, the door closer reduces the required 78” vertical clearance, and there is no accessible signage.
4. *Auditorium.* The bottom 10” of the entrance door is not smooth and does not have accessible signage. Fixed seating is provided, and there are no accessible wheelchair seating areas. There are two restrooms that have no accessible features.
5. *Portable classrooms.* There are several portables, including rooms 16 thru 19 and rooms 25 and 26, that are nonaccessible because they are stair access only. The new ramp from the passenger loading zone next to the parent center has slopes and cross-slopes that are too large, only one handrail on the top run, and bottom handrails without the required 12” extension. The preschool classroom does not have an accessible restroom or changing area.

El Sereno Middle School

1. *Passenger loading zone.* The loading zone in front of the school does not have an accessible route to the school due to the lack of a curb ramp. There is no striping or signage.
2. *Main office.* The reception counter is higher than 34” and does not have a lowered portion for access.

3. *Special education unisex restroom.* The first-floor student unisex restroom does not have compliant door signage, the accessible water closet does not have compliant dispensers, and the compartment door does not have an inside handle.
4. *Auditorium.* The platform lift to the stage is not located in a pit, there is no level landing at the entrance door, and the door does not have accessible hardware. Fixed seating is provided, and there are no compliant accessible wheelchair seating areas.
5. *Restrooms at portable J237.* The three restrooms for students and staff have no accessible features.
6. *Stadium.* The sports field has no accessible features. Fixed bleacher seating is provided, and no compliant accessible wheelchair seating areas are provided.

Erwin Street Elementary School

1. *Passenger loading zone.* There is a loading zone in front of the main office; however, it does not provide an accessible route to the school due to the lack of a curb ramp. There is no striping or signage.
2. *Special education rooms 1-4.* The ramp to the special education rooms 1-4 exceeds the maximum slope and does not have compliant handrails or edge protection. The entrance doors do not have accessible hardware or signage. The path of travel to the rear of the classrooms and the play area is too narrow and has several tripping hazards, including an open tree well.
There are ramps at the rear of the classrooms that provide access to the play area; however, they do not provide handrails on both sides and clear floor space at the top landing. The doors to these ramps lack accessible hardware and signage.
3. *Multipurpose room.* The entrance door has no signage, and the bottom 10” of the door is not smooth due to a door stop. The stairs to the stage do not have accessible handrails or tread striping. The stage is not accessible due to a lack of a lift or other means of vertical access. There are two restrooms provided; both have no accessible features.
4. *Special education room 23.* The stairs to the entrance do not have tread striping or compliant handrails on both sides. The classroom is not accessible due to the lack of a lift or other means of vertical access. The entrance door lacks accessible hardware and signage.
5. *Restrooms adjacent to classroom 23.* The restrooms are stair access only and nonaccessible. There is no signage to direct students to accessible restrooms.
6. *Student restroom K-2.* There are no accessible features at this restroom.

Stephen White Middle School

1. *Passenger loading zone in front of the school next to the auditorium.* The loading zone is noncompliant, with no signage, striping, or truncated domes at the curb ramp.
2. *Main office entrance.* There is no signage, noncompliant door hardware, and no level landing.
3. *Main office.* The counter is higher than 34” with no lowered portion for access.
4. *Auditorium.* The new drinking fountain is noncompliant. Fountain is not a hi-low type and is a protruding object. Stairs to the stage do not have compliant handrails or tread striping. Lift to stage is not located in a pit and does not have a level landing at the

entrance or a minimum of 18” of strike-side clearance. There is no accessible wheelchair or aisle-side seating. There are no compliant restrooms.

5. *Outdoor stage*. The new concrete sidewalk approach to the stage is a tripping hazard. The new TNP ramp does not have accessible handrails that return to the rail or post, and the top left extension does not continue in the direction of travel.
6. *Gym*. The entrance doors do not have signage or accessible hardware. The bottom of the right door is not smooth due to a door stop, and the threshold is a tripping hazard. There is no accessible drinking fountain at the gym entrance, and the grating in front of the fountain has openings larger than ½”. The locker room does not have signage, the showers designated as accessible are noncompliant, and no accessible bench or lockers are provided. The accessible toilet compartment has many noncompliant issues, including dispensers, compartment door hardware, and pull-side clearance.
7. *Outdoor cafeteria*. There were no fully compliant tables for use by students with disabilities. The tables designated as accessible did not have a minimum of 30” of clear floor space.
8. *Special education classroom 18*. The entrance door did not have accessible signage, hardware, or compliant door clearance.
9. *Special education unisex restroom*. There were many noncompliant elements including toilet paper and seat cover dispensers, mirror, and shelf mounted above 48”.
10. *Computer room*. Path-of-travel sidewalk to computer room slopes more than twice the amount allowed (13.3%).
11. *Path of travel from the public right of way*. There is a tripping hazard, no directional signage, and no detectable warning surface where the pedestrian route crosses/adjoins the vehicular way.
12. *Accessible parking*. The access aisle at the accessible spaces does not say NO PARKING in 12” white letters. There is no \$250.00 minimum fine sign, no van-accessible sign, and no detectable warning surface at the head of the access aisle.

Summary

The site visits revealed many areas of noncompliance at schools that impact program accessibility, which are not included in the SOWs. Furthermore, new features and recent renovations were found to be noncompliant and, in some cases, created barriers, which calls into question the validity of the District’s processes for ensuring compliant work. The observations during the site visits did not shed insight into the District’s decision making for SOWs development. Although it is unknown who ultimately made the decision to not address so many of the barriers identified in the 2015 surveys, it is very apparent that the individual(s) who made these decisions does not understand program accessibility. It also raises the question whether the individual or staff responsible for overlooking so many barriers had walked the site or met with administrators. The need to remove these barriers is very apparent after walking the site, observing students navigate the site, and talking to administrators. The OIM, the District itself, and external accessibility vendors and specialists commissioned by the District have all documented noncompliant findings.

Additional Findings and Concerns

Time and Cost to Produce Barrier Removal Plans (SOWs)

The majority of schools reported extensive timeframes for completing surveys and noted that the Access Compliance Unit (ACU) staff spent two to three months on site. Although this is consistent with the two to three months identified in the 2015 ACU survey schedule provided to the OIM, it is unclear why these surveys required so much time to complete. The 2016 ACU survey schedule reduces the timeline to four to six weeks to complete surveys; however, this is still considerably longer than industry standards. It can be reasonably assumed that these extended surveys result in considerable cost, particularly when the SOWs are significantly reduced and fail to address ADA and MCD program accessibility requirements. Therefore, it is reasonable to conclude that school officials responsible for making these decisions are mismanaging limited resources while failing to move the District toward compliance.

Furthermore, the District has limited resources allocated (\$600M) to fulfill a commitment estimated at \$1.29B by the Chief Facilities Executive, and it is unclear what portion of these resources are spent to conduct noncomprehensive surveys. This questionable decision making and the mismanagement of limited resources are exacerbated by the District's incomprehensible decision to reduce the number of barriers to be removed, without addressing large areas of program accessibility.

Program Access versus Readily Accessible

The District contends that its approach to achieving compliance with the ADA is to address program access and that it will survey only areas identified through a process that includes obtaining information from school administrators. The new plan addresses only specific areas, replacing an earlier approach to identify "all non-compliant conditions" (August 14, 2015, Districtwide Transition Plan Update, p. 3). This new approach and the reduced number of barriers identified and selected for removal in the SOWs indicates that the District has a fundamental lack of understanding of the regulations and requirements for achieving ADA compliance.

The regulations to implement the requirements of Title II clearly distinguish between existing facilities and newly constructed or altered facilities. Existing facilities require only "program access," 28 C.F.R. § 35.150, whereas newly constructed or altered facilities must be "readily accessible" to individuals with disabilities, 28 C.F.R. § 35.151.

In the case of older facilities (those built prior to January 26, 1992), the Attorney General understood that making sweeping structural changes for entities transitioning to the ADA would be difficult and costly. Accordingly, it set standards that were much more lax.

A public entity facility constructed or altered before 1992 may comply with Title II by adopting a variety of less costly measures, including relocating services to alternative, accessible sites and assigning aides to assist persons with disabilities in accessing services. Such facilities are subject to 28 C.F.R. § 35.150, which requires only program access.

However, newer facilities, or facilities altered or constructed after January 26, 1992, are subject to more stringent requirements. Specifically, they must comply with 28 C.F.R. § 35.151. Unlike 35.150, the 35.151 standards require "[e]ach facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the

facility or part of the facility is *readily accessible* to and usable by individuals with disabilities" 28 C.F.R. § 35.151(a)(1).

To be readily accessible, the facility "*must be* constructed in conformance with the applicable state and federal guidelines." For ADA purposes, this includes ADAAG Accessibility Guidelines, Uniform Federal Accessibility Standards, or the 2010 ADA Standards.

When full compliance is not technically feasible, the changes must follow the standards to the *maximum extent feasible*. For example, if there is not enough space to install a ramp with a slope that complies with the standards, a public entity may install a ramp with a slightly steeper slope. However, deviations from the standards must not pose a significant safety risk.

The District cannot claim program access for newly constructed or altered facilities because it is the incorrect standard. It must comply with the more exacting standards of readily accessible under 28 C.F.R. § 35.151.

DSA Tracking—Analysis of the 20 Sites

To illustrate the District’s misunderstanding and misapplication of the program access standard, a review of the DSA website for projects submitted to DSA was conducted for the 20 sites (Table 2). The review looked to identify projects at these sites that would constitute an alteration and triggered the requirements of 28 C.F.R. § 35.151 standards. Although the documentation in the DSA tracking logs appears incomplete in some instances (some do not include final cost although they have been closed out), it is clear that these 20 schools have had renovations that would require compliance with the readily accessible standard. This small sample, and the magnitude of bond money expended since the inception of the MCD, lends to a reasonable conclusion that the majority of LAUSD sites have undergone alteration and, therefore, 28 C.F.R. § 35.150 program access standards no longer apply. The District must provide a list of existing schools (prior 1992) that have not had a major remodeling, renovation, or modernization.

Table 2. Number of DSA Projects by School and Cost

School Site	# of DSA Tracking Forms/ Projects	Total Estimated Cost	Total Change Order Cost	Final Cost
153 rd Street Elementary School	8	\$3,388,502.82	\$224,266.49	\$787,590.98
52 nd Street Elementary School	4	\$2,044,050.00	\$81,585.01	\$1,957,084.47
6 th Avenue Elementary School	1	\$165,115.00	\$63,380.80	\$0.00
Albion Street Elementary School	5	\$3,208,248.00	\$1,042,344.41	\$4,169,198.41
Ambler Avenue Elementary School	6	\$1,593,984.00	\$354,166.04	\$0.00
Annandale Elementary School	4	\$884,000.00	\$308,173.48	\$265,007.62
Blythe Street Elementary School	6	\$1,757,867.00	\$212,544.24	\$1,118,338.50
Broadous Elementary School	9	\$2,868,934.92	-\$5,979.16	\$1,413,322.87
Coldwater Canyon Elementary School	10	\$4,388,382.00	\$647,387.52	\$3,961,352.52
El Sereno Middle School	9	\$9,975,256.00	\$969,684.57	\$8,788,096.57
Erwin Street Elementary School	9	\$3,212,025.00	\$554,681.45	\$1,533,162.85
Kennedy Elementary School	6	\$2,137,549.64	\$109,031.49	\$1,678,827.86

Lawrence Middle School	2	\$2,846,050.00	\$225,855.60	\$653,513.00
Marianna Avenue Elementary School	5	\$812,363.00	\$22,722.55	\$256,786.65
O'Melveny Elementary School	7	\$2,533,629.62	\$379,228.67	\$685,639.00
President Avenue Elementary School	1	\$471,070.00	\$6,150.00	\$0.00
Robert Hill Lane Elementary School	5	\$657,887.00	\$18,488.43	\$0.00
Short Avenue Elementary School	4	\$1,168,856.00	\$95,646.89	\$0.00
Stephen White Middle School	2	\$1,030,528.00	\$463,952.36	\$0.00
Taper Avenue Elementary School	2	\$1,144,781.00	\$336,885.68	\$673,717.61

Next Steps—Case Studies for Analysis of the DSA Process and District Oversight

In its last revised District-wide Transition Plan (dated February 9, 2016), the District claimed to have spent an estimated \$678M on “ADA improvements/betterments implemented over the course of the District’s bond program since the year 2000.” The March 1, 2016, OIM letter providing feedback on the revised plan questioned the credibility of such assertion that had never been raised before. The following excerpt describes the OIM’s request for more information and the District’s rationale for such assertion.

The OIM requested additional information on how this work had been determined to be compliant and how money spent on surveying and repeated repairs to new schools had been factored in the \$678M.

The District responded by noting that the “Facilities Services Division [FSD] is confident that the work is compliant with state and federal requirements. Also, these projects are designed by a licensed architect, reviewed and stamped by DSA [Division of the State Architect], inspected by DSA and certified by DSA.” (pp. 1-2)

The letter included additional discussion of the concerns with the assertion the District has completed more than \$600M in ADA work, and explained the longstanding history of failures with the described processes to ensure compliance. The District continues to express confidence in these processes and has requested that the OIM provide examples where recent work has been done, gone through the DSA process, and is noncompliant.

The OIM has minimal confidence that the District has the capacity to build compliant schools. In fact, the OIM has seen that the District has, in many cases, built barriers, as evidenced by noncompliant renovations noted during the site visits. In addition, the District voluntarily entered into a stipulation with the plaintiffs acknowledging noncompliance at 81 of its new schools and agreed to address these items, which the OIM monitored and signed off on.

Because the District continues to maintain confidence in its processes, the OIM will conduct case studies to examine the effectiveness of these methods. The OIM will analyze the steps the District takes regarding new construction, remodeling, and renovation and the oversight that should occur for accessibility.

The OIM requests all District and DSA documentation for the following schools for remodeling or new construction that include, at a minimum, but are not limited to:

- Approved DSA plans

- DSA Construction and required documents
 - DSA 5, DSA 6, DSA 6 A/E, DSA PI, DSA 6C, DSA 7, DSA 102, 168, 292, 301 N and 302
- Approval letters
- Approved drawings and specifications
- Inspection reports (DSA, OAR, etc.)
- DSA close-out letters with or without certification
- Other project closeout documents

The above documents are requested for the following schools:

- Broadus Elementary: DSA application 116171
- 1st Street Elementary School: DSA applications 116829 and 108868
- El Sereno Middle School: DSA applications 108430 and 115014
- Stephen White Middle School: DSA application 112181
- Erwin Street Elementary School: DSA applications 111452 and 112610

Conclusions

The review of the 20 SOWs found significant differences between the number of findings originally submitted in 2015 as well as an effort that does not move the District toward achieving compliance with the MCD. The desk audit and field walk-throughs revealed many areas of noncompliance that impact program accessibility that were not addressed in the SOWs. The site visits also found new construction that was noncompliant and resulted in new barriers.

Given these findings, the District should take care to maximize limited resources and reconsider the implementation of SOWs because, in their current state, they will not result in facilities that meet the accessibility standards. Using these SOWs will only delay progress as these sites will need to be adequately addressed in the future. It is also evident that the processes for making program accessibility determinations described in the most recent District-wide Transition Plan are not being followed; the District's own experts and site administrators have confirmed this.

This effort is a significant setback in moving the District toward ADA compliance. Furthermore, the questionable decision making and mismanagement of limited resources raises concerns over the District's capacity to carry out its District-wide Transition Plan. To date, the District does not have one compliant site transition plan. The OIM will continue to monitor the plan's effectiveness and the District's efforts to comply with the ADA and MCD.