SAN FRANCISCO UNIFIED SCHOOL DISTRICT

Americans with Disabilities Act

ADA SELF-EVALUATION

June 7, 2002

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SAN FRANCISCO UNIFIED SCHOOL DISTRICT
ADA SELF-EVALUATION

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PART 1:

INTRODUCTION

AND

PURPOSE
1.1 OVERVIEW OF THE ADA

Section Summary
The Americans with Disabilities Act (ADA) was enacted on July 26, 1990. The ADA extended civil rights legislation to people with disabilities, and is companion to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The ADA has broad application to public agencies and private businesses in its protections against discrimination for people with disabilities.

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. With respect to public entities, the ADA mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also provides disabled employees with certain protections and requires employers to make reasonable accommodation for disabled applicants and employees.

The ADA is divided into five parts, covering the following areas:

**Title I: EMPLOYMENT**
Under this title, employers, including governmental agencies, must ensure that their practices do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee, or in other terms and conditions of employment.

**Title II: PUBLIC SERVICES**
This title prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under Title II that this self-evaluation is prepared. The self-evaluation is intended to outline programs and services of the San Francisco Unified School District ("District") and to evaluate what policies and procedures must be changed or implemented to effect the non-discrimination policies described in Title II.
Title III: PUBLIC ACCOMMODATIONS

Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term “public accommodation” as used in the definition is often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public.

Title IV: TELECOMMUNICATIONS

This title covers regulations regarding private telephone companies and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunication relay services to individuals with hearing and speech impairments.

Title V: MISCELLANEOUS PROVISIONS

This title contains several miscellaneous regulations, including construction standards and practices, provisions for attorney’s fees, and technical assistance provisions.

The Department of Justice’s (“DOJ”) regulations implementing Title II of the ADA dictate that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination requirements of the ADA. The DOJ regulations were issued in July, 1991. These DOJ regulations mandate that each public entity is required to examine activities and services and identify problems that may limit accessibility for persons with disabilities. The entity must then proceed to make the necessary changes resulting from the self-evaluation. The DOJ regulations implementing Title II of the ADA further require that a transition plan be prepared to describe any structural or physical changes required to make programs accessible. The San Francisco Unified School District’s ADA Transition Plan is a companion to this Self-evaluation, but it is prepared and formatted as a separate document.

Under all titles of the ADA, the term “disability” means, with respect to an individual:

1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

2) a record of such an impairment; or

3) being regarded as having such an impairment.

If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the Americans with Disabilities Act. The DOJ regulations describe in greater detail the conditions included and excluded as disabilities under the ADA, and these rules should be referred to if more detailed descriptions of covered disabilities is desired.
1.2 SCHOOL DISTRICT RESPONSIBILITIES UNDER TITLE II THE ADA

Section Summary
Title II of the ADA mandates that programs, services, and activities provided by government agencies to the public be offered equally to people with disabilities. This is the primary section applied to the San Francisco Unified School District, and the focus of the Self evaluation. Each government agency must demonstrate that its programs and activities are provided equally without discrimination.

The San Francisco Unified School District has various obligations under Title II of the ADA. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973, but differs in that Section 504 applies only to programs that receive federal financial assistance. The purpose of Section 504 is to ensure that no otherwise qualified individual with disabilities shall, solely by reason of his or her disability, be discriminated against under any program or activity receiving federal financial assistance. The District has been subject to and operated under the requirements of Section 504 for many years.

The ADA specifically states an intent not to apply lesser standards than are required under other federal, state, or local laws; therefore, the law which is the most stringent has precedence. This intent has particular application with respect to the District’s obligations under Title 24 of the California Code of Regulations, which in some cases, exceeds ADA requirements with respect to structural and physical changes.

Under Title II, public entities, including public school districts, may not establish eligibility criteria for participation in programs and activities that would screen persons with disabilities, unless such requirements are necessary for provision of the service or program. A public entity must reasonably modify its policies and procedures to avoid discrimination toward persons with disabilities. However, if the public entity can demonstrate that a modification would fundamentally alter the nature of its service, it would not be required to make that modification. Title II also discusses the use of auxiliary aids necessary to enable persons who have visual, hearing, mobility, or similar impairments to access to programs and activities provided by the public entity.

Another exception to the programmatic access requirements is undue hardship. “Undue hardship” is defined in the DOJ regulations as an “action requiring significant difficulty or expense” when considering the nature and cost of the accommodation in relation to the size, resources, and structure of the specific operation. Undue hardship is determined on a case-by-case basis.
DOJ regulations require the District to prepare a self-evaluation, as described in the next section, and to prepare a transition plan, outlining the structural modifications it will implement to make its programs and services accessible to persons with disabilities. The District is also required to designate a person to be responsible for coordinating the implementation of ADA requirements and for investigating complaints of alleged noncompliance. The ADA Coordinator and the duties involved are described in Section 2.2 the self-evaluation.
1.3 SELF-EVALUATION REQUIREMENTS

Section Summary
The self-evaluation documents the actions being taken by a government agency to ensure that its programs are accessible to people with disabilities. It must include a review of all programs, services, or activities offered to the public. The self-evaluation should analyze the nature of each program to determine if it is accessible and describe what measures are to be taken to provide access and continue to maintain accessibility.

A public agency is required to prepare a self-evaluation under DOJ regulations implementing Title II of the ADA [28 C.F.R § 35.105 (a)].

A self-evaluation is a public entity’s assessment of its current policies and practices. The self-evaluation identifies and corrects those policies and practices that are inconsistent with Title II requirements. As part of the self-evaluation, a public entity should:

1) Identify all of the public entity’s services; and
2) Review all the policies and practices that govern the administration of the public entity’s programs, activities, and services.

Normally, a public entity’s policies and practices are reflected in its laws, ordinances, regulations, administrative manuals or guides, policy directives, and memoranda. Other practices may be used based on local custom. The self-evaluation is intended to evaluate these policies practices, and the Department of Justice has determined that a self-evaluation requires the following areas of examination:

1) A public entity must examine each program to determine whether any physical barriers to access exist. It should identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. If structural changes are necessary, they should be included in the transition plan.

2) A public entity must review its policies and practices to determine whether any exclude or limit the participation of individuals with disabilities in its programs, activities, or services. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, service, or activity. The self-evaluation should identify policy modifications to be implemented and include complete justifications for any exclusionary or limiting policies or practices that will not be modified.
3) A public entity must review its policies to ensure that it communicates with persons with disabilities in a manner that is as effective as its communication with others. If a public entity communicates with applicants and beneficiaries by phone, it should ensure that TTY’s (also called text telephones or TDD’s) or other equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech.

4) A public entity should review its policies to ensure that they include provisions for readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and auxiliary aids for individuals with manual impairments. A method for securing these services should be developed, including guidance on when and where these services will be provided. Where equipment is used as part of a public entity’s program, activity, or service, an assessment should be made to ensure that the equipment is usable by individuals with disabilities, particularly individuals with hearing, visual, and manual impairments. In addition, a public entity should have policies that ensure that its equipment is maintained in operable working order.

5) A review should be conducted of a public entity’s written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning way.

6) A public entity should review its policies to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity or service, or a decision that an undue financial and administrative burden will be imposed by title II, are made properly and expeditiously.

7) A public entity should review its policies and procedures to ensure that individuals with mobility impairments are provided access to public meetings.

8) A public entity should review its employment practices to ensure that they comply with other applicable nondiscrimination requirements, including Section 504 of the Rehabilitation Act and the ADA regulations issued by the Equal Employment Opportunity Commission.

9) A public entity should review its building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under the Title II regulation.
Once a public entity has identified policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, it should take immediate remedial action to eliminate the impediments to full equivalent participation. Structural modifications that are required for program accessibility should be made as expeditiously as possible.

Public entities are required to accept comments from the public on the self-evaluation and are strongly encouraged to consult with individuals with disabilities and organizations that represent them to assist in the self-evaluation process. Many individuals with disabilities have unique perspectives on a public entity’s programs, activities, and services.

The Department of Education’s Office for Civil Rights ADA Self-evaluation Guide served as reliable source for this document.
1.4 HISTORY AND ORGANIZATION OF THE SELF-EVALUATION

Section Summary
The San Francisco Unified School District began the self evaluation process in 1992. The District has used in-house staff and a number of consultants over the last ten years to gather and evaluate data on the programs and facilities. This document relies on that data in its analysis and recommendations, and is considered to be the culmination of the District's self-evaluation efforts.

The self-evaluation contained in this document represents the culmination of an extended procedure of evaluating the District’s programs and services under Title II of the ADA.

The self-evaluation process was begun by the District in the mid-1990’s. After a period of internal organizing and evaluation, the District felt its own internal mechanisms for proceeding with the evaluations were insufficient to produce a comprehensive product.

In 1996, the District appointed a self-evaluation planning committee with representative membership from various sectors of the District, with its goal being to provide leadership and facilitate a collaborative planning process for the self-evaluation. The committee had 19 members, with 15 senior level administrators and 4 consultants. The group worked to plan the collection and documentation of District programs and services and to gather information.

In 1997, the District undertook several steps to receive input on the programs and services provided by the District. The Office of Communications and Public Relations advertised the availability of several types of surveys, described in more detail below, and mailed out approximately 9,000 notices of the surveys' availability. A local press release was also placed in local newspapers and publications. The types of surveys distributed and received included the following:

1. a survey for Principals and site administrators,
2. a survey for facility users,
3. a survey for disability organizations,
4. a survey for employees, and
5. a series of worksheets for administrators.

A total of 424 surveys were completed, in addition to the worksheets completed by District administrators. These surveys and worksheets were reviewed and evaluated by the District planning committee.
These questionnaires pointed out complying programs and services as well as potential issues present at school sites, and a draft Self-evaluation was prepared in 1998-1999. This self-evaluation was not officially adopted by the Board of Education. The individual surveys and school site results of this previous self-evaluation process are not included in this document but are available from the District upon request.

The continuation of the self-evaluation process was initiated in the fall of 2001, coinciding with the District's process for preparing a District-wide Facility Master Plan. Part of the process included a re-evaluation of the programs and services being offered. This included the issuance of an additional questionnaire for all school Principals in December, 2001 (included as Attachment A of this self-evaluation). A main focus of the self-evaluation questionnaire process was to arrive at consistent and coordinated District-level policies and procedures to assure compliance with the programmatic requirements of the ADA.
1.5 DESCRIPTION OF PROGRAM ACCESSIBILITY

Section Summary
Program accessibility depends on the location of the program as well as how it is delivered, and it is to be determined by analyzing the program in its entirety. A government entity may be required to move the program to an accessible location or make changes to the location to provide accessibility. If a program is offered at more than one location, it may not be necessary for all locations to be accessible. The entity is required to consider various aspects of program delivery and function, including communications, equipment, and the reliance on human assistance.

The DOJ regulations describe the requirements for “program accessibility”. A public entity (including a public school district) shall operate each service, program, or activity, when viewed in its entirety, so that it is accessible to and usable by individuals with disabilities. The ADA does not require the public entity to make all of its existing facilities accessible, nor does it require a public entity to take any action that would fundamentally alter the nature of a service, program, or activity. There are various methods that may be appropriate for providing “program accessibility” in lieu of making actual physical structural changes to facilities.

Title II of the ADA requires that a transition plan be prepared to describe the structural changes that a public entity will make to its facilities to bring about program accessibility. The San Francisco Unified School District’s transition plan is contained in a separate document. While the transition plan outlines the physical modifications and a timeline for these changes, it does not necessarily include those programmatic modifications that the District will make in lieu of structural modifications. Programmatic modifications are included in this self-evaluation. Therefore, in many ways, this self-evaluation and the transition plan are companion documents that must be used together to formulate overall District compliance activities.

Ensuring programmatic accessibility is an important aspect of enhancing opportunity for persons with disabilities. Both the Title II and Section 504 regulations contain two standards to be used in determining whether a covered entity’s programs, activities, and services are accessible to individuals with disabilities. One standard deals with existing facilities; and the other standard deals with new construction and alterations.

For existing facilities, Title II of the ADA and Section 504 require covered entities to operate each program so that, when viewed in its entirety, the program is readily accessible to and usable by people with disabilities [28 C.F.R. § 35.150(a) and 34 C.F.R. § 104.22 (a)]. This is known as the program accessibility standard, and it is one of the most important concepts in ADA compliance. Both the Title II and Section
504 regulations require that a new or altered facility (or the part that is new or altered) be readily accessible to and usable by individuals with disabilities [28 C.F.R. § 35.151 and 34 C.F.R. § 104.23].

The new construction and alterations requirements focus on providing physical access to buildings and facilities rather than on providing access to programs and services. There is no fundamental alteration or undue burden limitation on the new construction and alteration requirements.

It is important to note that while many people associate the concept of program accessibility primarily with individuals with mobility impairments, school district officials must ensure that their programs and activities are accessible to qualified individuals with many different types of disabilities. To meet this obligation, school districts must consider such issues as providing accessible building signage, providing alarms with visible signals, and providing accessible public telephones. School districts must also provide program accessibility to parents, guardians, and members of the public with disabilities for programs, activities, or services that are open to parents or to the public, such as parent-teacher organization meetings, athletic events, plays, and graduation ceremonies.

Under Title II of the ADA and Section 504, the term “program or activity” embraces the programs, activities and services offered by a covered entity in fulfillment of its mission. It spans all offerings open to any of the audiences served by the school district. A school district must also consider the entire scope of its overall operation as one program made up of several parts or elements. In conducting the program review, a school district should examine each of the parts or elements that make up the whole. The District should ensure that its entire program, when viewed as a whole, is readily accessible to and usable by individuals with disabilities.

With respect to existing facilities, a school district should provide for access to persons with disabilities at schools dispersed throughout their service area so that students with disabilities can attend school at locations comparable in convenience to those available to students without disabilities. School districts are not necessarily required to make all of their existing classroom buildings accessible to students with disabilities, provided that all programs offered in inaccessible classroom buildings are also available in other accessible buildings or schools in the district, and that the accessible schools are comparable in convenience to those available to students without disabilities.

A school district may not make only one facility or part of a facility accessible if the result is to segregate students with disabilities in a single setting. Also, where magnet schools or other schools offering different curricula or instruction techniques are available, the range of choice provided to students with disabilities must be comparable to that offered to students without disabilities. For support facilities, such as rest rooms, drinking fountains, and parking spaces in existing facilities, sufficient numbers of these accessible elements should exist that are reasonably
convenient, usable in inclement weather, and appropriate to the use of a facility. Usage of the building is an important factor in addressing program accessibility concerns. Buildings in which an individual may spend extended periods of time should meet a higher degree of accessibility than those in which an individual spends relatively short periods of time.

It is important to understand that whether a particular program or activity is accessible is determined not by compliance with an architectural accessibility standard but by considering whether the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. However, in an assessment of program accessibility in exiting facilities, facility accessibility standards such as the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) or the State of California Building Code accessibility code items (usually referred to as Title 24) may be used as a guide to understanding whether individuals with disabilities can participate in the program, activity, or service.

Although nonstructural methods of achieving program accessibility are acceptable, nonstructural solutions should not have the effect of segregating people with disabilities or compromising their dignity and independence. In choosing among various methods for achieving program access, a school district should give priority to methods that offer programs or activities in the most integrated setting appropriate [28 C.F.R. § 35.150(b)(1) and 34 C.F.R § 104.22(b)]. If no effective nonstructural alternatives can be provided to achieve program accessibility, public school systems must make the necessary structural changes [28 C.F.R. § 35.150(b)(1) and 34 C.F.R § 104.22(b)]. These changes must conform to standards for new construction and alterations.

Some potential methods of making programs accessible are as follows.

1) Reassignment of services to an accessible location. The relocation of programs and activities to accessible locations is one method of making programs and activities accessible. For example, classes or activities can be relocated to accessible ground-level floors within a building or reassigned to other buildings that are accessible [28 C.F.R. § 35.150(b)(1) 34 C.F.R § 104.22(b)].

2) Purchase, redesign, or relocation of equipment. Other methods of making programs assemble include the purchase, redesign, or relocation of equipment [28 C.F.R. § 35.150(b)(1) and 34 C.F.R § 104.22(b)]. “Equipment” includes items that generally make the building functional as well as items that are integral to participation in specific programs, activities, or services, such as work stations, study carrels, and machinery. In many cases, equipment can simply be relocated or raised or lowered to make it usable by an individual with disabilities; in other cases, redesign may be necessary.
3) Assignment of aides. In some circumstances, aides may be assigned to perform certain tasks that will enable persons with disabilities to participate in programs. [28 C.F.R § 35.150(b)(1) and 34 C.F.R § 104.22(b)]. For example, aides may be required to ensure that persons with disabilities are able to exit safely from program areas in the event of an emergency. Also, if equipment in a laboratory class is inaccessible to a student with a disability, in order to meet the program accessibility requirements of Title II and Section 504, a human aide may be assigned to assist the student in the laboratory class. In addition, aides may retrieve books for students with mobility impairments if portions of the library are inaccessible.

4) Structural changes to eliminate barriers. Although structural changes to make existing facilities accessible are not necessarily required, they must be undertaken if there is no alternative means to achieve program accessibility [28 C.F.R § 35.150(b)(1) and 34 C.F.R § 104.22(b)]. Structural changes include such alterations as installing a ramp, widening a doorway, or lowering a toilet. As mentioned earlier, structural changes must conform to standards for new construction alterations [28 C.F.R § 35.150(b)(1) and 34 C.F.R § 104.22(b)]. Structural changes must be fully described and the proposed implementation documented in a transition plan.
1.6 COMPLIANCE, NOTICES AND GRIEVANCE PROCEDURES

Section Summary
A government entity must assure that certain notices regarding the entity's compliance with the ADA are properly given. In addition, government entities are required to establish a formal grievance procedure.

The DOJ regulations for Title II state that a public entity is required to make available to applicants, participants, residents, and other interested parties information regarding the self-evaluation and its applicability to the services, programs, or activities of the public entity, and to apprise the public of the protections against discrimination afforded to them by the Title II, including information about how Title II requirements apply to its particular programs, services and activities [28 C.F.R. § 35.106].

A public entity that employs 50 or more persons is required by the ADA to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II.

A public entity is also required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the self-evaluation by submitting comments and making specific recommendations. A copy of the draft self-evaluation shall be made available for public inspection during a formal citizen review period.

The San Francisco Unified School District’s compliance, noticing, and grievance procedures are further described in this self-evaluation under the Policies and Procedures.
1.7 PUBLIC PROCESS AND INPUT

Section Summary
The information in the self-evaluation must be available to the public. A public entity is required to provide an opportunity for public input in development of the self-evaluation.

A public entity that employs 50 or more people is also required to seek public input on its ADA self-evaluation. Beyond the legal requirements, such input is vital in assuring that those affected by the District's policies and procedures with respect to the treatment of persons with disabilities also understand the scope and nature of the District's programs and services and its responsibilities for providing equal access.

As described in the previous section, the self-evaluation process has spanned a number of years, and past efforts to obtain public input have been undertaken during this period. During the completion of the self-evaluation process, a public input meeting was held on February 25, 2001, with the main focus being to receive, on an informal basis, input from the public, including persons with disabilities, on opinions and experiences of those who have been recipients of the District's programs and services. The meeting was advertised in local media and information about the meeting's purpose and scheduling was posted at all school sites. The meeting was attended by parents, community representatives, and District administrators. The meeting discussions were taped and meeting notes were taken. Additional details of this public input meeting will be included in the final draft of this self-evaluation.

At the public input meeting, a pre-addressed and stamped public survey questionnaire was also distributed (included as Attachment B of this self-evaluation). The survey's purpose was to elicit unstructured comments and opinions regarding the District's delivery of programs and services to persons with disabilities and the accessibility of the District's facilities. To date, some questionnaire data has been received, but a complete analysis of all data has not been completed at this point in time. Additional details of these public input questionnaires will be included in the final draft of this self-evaluation.
The issuance of the public review draft of this self-evaluation commences a more formal period of public review and participation. The notice of the issuance of such a draft was advertised in local publications on March 14, 2002, and members of the public will be afforded a 30-day comment period to submit written comments, scheduled to end on April 25, 2002. Members of the public will also be afforded the opportunity to make public oral comments about the self-evaluation at a public hearing, to be held on April 29, 2002.

All public comments received will be incorporated in their entirety into a section of the final self-evaluation. All public comments will be reviewed, analyzed, and incorporated into a revised self-evaluation as deemed to be appropriate.
PART 2:

SELF-EVALUATION
POLICIES
AND PROCEDURES
2.1 ADA IMPLEMENTATION AND ENFORCEMENT

Section Summary

The ADA requires that all programs, services, and activities provided by a public entity must be available and accessible to people of all disabilities without discrimination. Complaints regarding the entity’s failure to comply with these guidelines can be directed to the U. S. Department of Education Office for Civil Rights, or reported according to the SFUSD’s grievance procedures.

The U. S. Department of Justice (DOJ) regulations for Title II of the ADA describe the requirements for “program accessibility” (Code of Federal Regulations, Title 28, Part 35, Subpart D). As described earlier, a public entity (including a local school district) must operate its services, programs, and activities, when viewed in their entirety, so that they are accessible to and usable by individuals with disabilities.

In order to achieve this basic goal, a school district must implement policies and procedures intended not only to remove any discriminatory practices toward persons with disabilities but also to bring about conditions that comply with policies that have become common practice, either due to specific legislation and regulation, applicable legal precedent and case law, or generally accepted standards for providing programs and services by public schools.

Part 2 of the self-evaluation describes specific policies and procedures the San Francisco Unified School District has implemented or will implement to comply with the specific requirements and intent of Title II of the ADA. Implementation consists of both District-wide and individual school site policies and procedures that the District is committed to following. Some items contained in this section describe specific actions the District will take to ensure compliance with the ADA; other items describe more general procedures the District will utilize to reach long-term goals with respect to ADA compliance.

Enforcement under the ADA is generally provided in one or more of three ways:

1) The U. S. Department of Education, Office for Civil Rights (OCR) enforces the requirements of the ADA and Section 504 regulations regarding free appropriate public education (FAPE). Any person may file a complaint with that agency, and it is responsible for investigating such complaints and resolving disputes through its own regulatory policies.

2) The ADA generally provides for civil litigation as a method of effecting enforcement, and any person may file a civil complaint as a result of alleged discrimination under the ADA.
3) Each public entity is responsible for establishing its own grievance procedures for bringing about enforcement under the ADA. Complaint and grievance procedures should follow guidelines described in the DOJ regulations. A public entity is also responsible for a continual monitoring of its policies and procedures with respect to its implementation of the ADA. The San Francisco Unified School District’s grievance procedures are outlined in Section 2.4 and Attachment C of this self-evaluation.
2.2 ADA COORDINATOR AND DUTIES

Section Summary
The ADA Coordinator is the point person for the public to contact with respect to program accessibility issues and complaints within the District.

Under Title II, any public entity with fifty or more employees must designate at least one employee to coordinate ADA compliance [28 C.F.R. § 35.107 (a)]. The regulations refer to this person, or persons, as the “responsible employee or employees”; this self-evaluation uses the more commonly used term “ADA Coordinator.” It is important to note that school districts that are subject to Section 504 and employ fifteen or more persons must designate at least one person to coordinate their Section 504 compliance activities [34 C.F.R § 104.7 (a)]. The same individual can coordinate ADA and Section 504 compliance activities. Due to the size of the San Francisco Unified School District, and the range of expertise required with respect to ADA compliance, the District has designated a Coordinator for Programmatic and Physical Accessibility and for Employment.

The ADA Coordinator is the key player in ensuring ADA compliance. The ADA Coordinator’s role includes planning and coordinating overall compliance efforts, ensuring that the implementation is completed, and receiving and investigating complaints related to discrimination on the basis of disability. To fulfill her job, the coordinator must have the authority, knowledge, skills and motivation to implement the regulations effectively.

One purpose of this requirement is to ensure the members of the public who need to interface with school systems can readily identify a person who is familiar with ADA and Section 504 requirements and can communicate those requirements to other key staff. It is expected that this employee will have the authority to take whatever action is needed to correct infractions. It is also required, however, that the school system make an effort to prevent violations by ensuring that all of its employees and agents are thoroughly familiar with their obligations.

In order to ensure that individuals can easily identify the ADA Coordinators, the public entity must provide the ADA Coordinators’ name, office address, and telephone number to all interested individuals [28 C.F.R § 35.107 (a)]. Notice of the identity of the ADA Coordinator is generally combined for ease and efficiency with notice of ADA requirements.
At the time of the writing of this self-evaluation, the San Francisco Unified School District’s ADA Coordinator for Programmatic and Physical Accessibility is:
Mary Ilyin, ADA Coordinator for Programmatic and Physical Accessibility
135 Van Ness Avenue, Room 216
San Francisco, CA. 94102
Telephone: (415) 355-6964
TTY: (415) 355-6926

At the time of the writing of this self-evaluation, the San Francisco Unified School District’s ADA Coordinator for Employment is:
Diane Zagorik, Employee Reasonable Accommodation Coordinator
San Francisco Unified School District
555 Franklin Street, 2nd Floor
San Francisco, CA. 94102
Telephone or TTY: (415) 355-7316

✓ Policies and Procedures

The ADA Coordinator for Programmatic and Physical Accessibility should oversee a variety of tasks related to implementation of the ADA regulations and organize the District’s on-going compliance efforts. Specific duties that should be included in the ADA Coordinator’s job description include the following tasks.

1) Coordinate the development, refinement, and implementation of the District’s and school sites’ policies and plans for complying with the requirements of the ADA, as well as other disability laws. Collaborate with staff from various departments in developing and reviewing plans and policies in their areas of responsibility under the ADA.

2) Develop strategies for informing employees, managers, and other groups about District policies concerning the accommodation of students, employees, applicants, and visitors with disabilities.

3) Monitor and evaluate compliance with the requirements of the ADA and other disability laws. Advise and consult with managers, supervisors, principals, and the heads of the academic units about areas of concern and possible non-compliance with regulations. Recommend appropriate corrective action, as needed.
4) Maintain a working knowledge of legislation that is specifically related to the District’s treatment of persons with disabilities. Maintain a working knowledge of architectural accessibility regulations and codes, including those in the Americans with Disabilities Act Accessibility Guidelines and the California State Building Code (Title 24) Accessibility Standards. Monitor federal and State of California legislation and regulations, rulings by governmental enforcement agencies, and court cases for developments that might affect school site policies and procedures.

5) Investigate and resolve complaints and grievances alleging either failure to comply with ADA regulations or discrimination on the basis of disability.

6) Assist staff in the District Legal Office in response to civil litigation on ADA matters.

7) Prepare periodic reports in response to requests by government agencies, faculty, staff, other school site offices, and the public.

8) Maintain liaison with the Board of Education and the Superintendent’s Office to promote coordination of school site and District-wide approaches, policies, and procedures regarding equal access and accommodation of persons with disabilities.

9) Coordinate with the school site principals or other administrators, when requested, to promote coordination of District-wide approaches, policies, and procedures regarding equal access and accommodation of persons with disabilities.

10) Oversee and monitor implementation of the final Board-approved ADA Transition Plan, including a review and understanding of physical accessibility modifications required by the Transition Plan.

11) Review the use of any off-site facilities in any District-sponsored programs, services, and activities, with respect to their physical accessibility.

12) Collaborate with the Employee Reasonable Accommodation Coordinator regarding physical access issues for staff and employees.

13) Collaborate with the Public Information Office regarding issues related to press releases and public relations related to the ADA.
Because of the ADA Coordinator’s potential wide span of responsibility, it is important to designate a definite organizational placement for the position or positions. It is suggested that the ADA Coordinator position be responsible to high-level District-wide management.

It is usually recommended that the ADA and 504 Compliance functions for programmatic and physical accessibility be combined in one position. The two functions require the same basic knowledge of regulations, case law, and procedures. Combining the two functions simplifies the organization and facilitates institutional memory, including documentation of campus efforts and record-keeping. Additionally, this combination consolidates administration and processing of both Section 504 and ADA-related complaints.
2.3 NON-DISCRIMINATION POLICY

**Section Summary**
The Board should adopt a formal Non-discrimination Statement

A school district must ensure that no qualified individual is, on the basis of disability, excluded from participation in or denied any benefit from the district’s programs, services, or activities, or subjected to any other discrimination [28 CFR, Par. 35.130(a)]. This basic policy of non-discrimination is one that must be formally worded and adopted by the applicable regulatory body for all public entities, including a school district’s Board of Education.

The District has had a long-standing written policy statement of non-discrimination on the basis of disability. This current version of this policy was adopted in 1996 and amended in 1998.

The District’s Statement of Non-Discrimination, both as previously used and as recommended for further use by the Board of Education, is given below.

**Policies and Procedures**
The Board of Education should maintain the use of its previous Statement of Non-Discrimination with respect to the treatment of persons with disabilities, which is worded as follows:

The Board of education adopts the following policy for all students and employees: All educational programs, activities, and employment practices shall be conducted without discrimination based on race, color, creed, national origin, age, sex, sexual orientation, gender identity, marital status, domestic partner status, or physical or mental disability, including AIDS/ARC/HIV status. "Disability" shall be as defined in accordance with all applicable state and federal law. The lack of English proficiency shall not be a barrier to equal educational opportunities.
2.4 GRIEVANCE PROCEDURES

Section Summary

The ADA requires that specific and well-documented grievance procedures be implemented so that the public can have immediate resolution of problems or complaints.

It is a common misunderstanding among many public entities and school systems that the grievance procedure required by the ADA applies only to employees. To the contrary, the purpose of this grievance procedure is to provide means for timely resolution of all problems or conflicts related to ADA compliance before they escalate to the point where the complainant feels it necessary to resort to the federal complaint process or litigation. This procedure must be just as accessible and appropriate for use by students or public citizens as by school system employees.

The Title II regulation provides that the ADA Coordinator for Programmatic and Physical Accessibility is to oversee the investigation and resolution of complaints regarding compliance with the ADA and Section 504 [28 C.F.R. § 35.107 (a)]. The Title II regulation also provides that public entities must adopt and publish grievance procedures, providing for prompt and equitable resolution of complaints [28 C.F.R. § 35.107 (b)]. The public entity may use a grievance procedure that is already in place; it is not necessary to design a separate process specifically for the ADA. The Title II requirements regarding grievance procedures have been in effect since January 26, 1992.

There are similarities and differences between the Title II and Section 504 requirements concerning grievance procedures. Both regulations require that covered entities adopt and publish a grievance procedure providing for the prompt and equitable resolution of complaints [28 C.F.R. § 35.107 (b) and 34 C.F.R. § 104.7(b)]. Under both regulations, complainants are not required to exhaust grievance procedures before filing a complaint with the U.S. Department of Education’s Office for Civil Rights. However, Section 504 requirements apply to recipients with fifteen or more employees, while the Title II requirements apply to public entities with 50 or more employees [28 C.F.R. § 35.107 (a) and 34 C.F.R. § 104.7(a)]. Also, unlike the Title II regulation, the Section 504 regulation specifically states that grievance procedures must adopt due process standards [34 C.F.R. § 104.7(b)].
A grievance procedure should include the following components:
- a detailed description of the procedures for submitting a grievance;
- a two-step review process that allows for appeal;
- reasonable time frames for review and resolution of the grievance;
- records of all complaints submitted, responses given, and steps taken to resolve the issue; and
- an alternative procedure if the complainant alleges that the ADA coordinator or other school officials with responsibilities regarding the grievance procedures process are a part of the alleged discrimination.

✔ Policies and Procedures

Make the District's ADA Grievance and Complaint forms available at facilities throughout the District and ensure that the forms can be provided in alternative formats when requested. Establish detailed policies for the timely resolution of complaints.
2.5 NOTICES

Section Summary
All government entities are required to provide certain notices regarding the entity's provisions for ADA compliance. The information contained in these notices should be updated regularly.

All public entities, regardless of size, must provide information to applicants, participants, beneficiaries, employees, and other interested persons regarding the rights and protections afforded by Title II of the ADA, including information about how the Title II requirements apply to its particular programs, services, and activities [28 C.F.R § 35.106].

The notice requirements of Title II and Section 504 are somewhat different. Under the Section 504 regulation, a recipient of federal financial assistance that employs 15 or more people must provide a notice that states, where appropriate, that the recipient does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs or activities [34 C.F.R § 104.8 (a)]. Under Section 504, the notice must also include identification of the employee designated to coordinate Section 504 compliance efforts. A recipient of federal financial assistance that provides notice about coverage under the ADA must still meet the more specific notice requirements of Section 504, including identification of the 504 Coordinator, if the recipient has 15 or more employees.

In order to facilitate effective communication, the information must be presented in clear, straightforward language, avoiding legal and bureaucratic idioms, and in alternative formats that are accessible to individuals with different disabilities. In the sample notice, the same person coordinates Title II and Section 504 requirements.

The school system must provide this information not just once but on an ongoing basis [28 C.F.R. § 35.106 and [34 C.F.R. § 104.8 (a)]. Appropriate methods of providing notice include publication of information in handbooks, manuals, and pamphlets that are distributed to the public to describe a public entity's programs and activities; the agendas for meetings of the Board of Education; the display of informative posters in public places; or the broadcast of information by television or radio.
Different approaches are particularly suited to providing notice to different segments of the public. Some examples are:

1) For the public at large:
   1. newspaper legal notice section.
   2. flyers posted at all facilities.
   3. radio and/or captioned television announcements.

2) For students:
   1. report card enclosures.
   2. regular mailings.
   3. posting at all program sites and frequented areas.
   4. announcements in school newspaper.

3) For prospective employees:
   1. insert in job application.
   2. newspaper ads.
   3. posted advertisements.
   4. posted vacancy notices.

4) For current employees
   1. regular mailings to employees.
   2. postings at work sites.
   3. posting in lounges, faculty rooms, and dining areas.
   4. personnel manual.
   5. inserts with pay slips or other correspondence.

Policies and Procedures

Undertake a renewed effort to provide notice of the Notice of Non-Discrimination and notice of the adoption of the ADA Self-evaluation and Transition Plan in publications and media sources and at locations described in this Section.
2.6 EFFECTIVE COMMUNICATION

**Section Summary**

The entity is required to provide appropriate public forms of effective communication to persons of all disabilities.

Under Title II of the ADA, public schools are required to ensure that students, parents, employees, employment applicants, and members of the general public with disabilities are able to experience communication methods that are as effective as that provided to people without disabilities [28 C.F.R. § 35.160 (a)]. People with visual, hearing, and speech disabilities must all have the opportunity to receive communications in a manner that is appropriate and effective [28 C.F.R § 35.160 (a)]. Communication support must be provided in a manner that enables people with disabilities to participate on an equal basis with all others, unless the result would cause a fundamental alternation in the nature of a service, program, or activity or in an "undue" financial or administrative burden [28 C.F.R § 35.164]. It is important to note that the fundamental alteration/undue burden exception does not apply to the provision of related aids and services that are necessary to ensure a free appropriate public education to qualified students with disabilities under Section 504.

There are two major types of communication barriers that prevent or detract from communication effectiveness:

1) Visual: Print materials, visual presentations and displays, and signage often present barriers to people with limited vision.
2) Aural/oral: “Aural” refers to information that is heard; “oral” refers to spoken communication. A person who is hearing-impaired experiences barriers related to aural communication. The same person may be able to communicate orally, however. A person who has a speech impairment or a cognitive impairment that affects speech, may experience barriers in communicating orally but have no difficulty receiving information that is conveyed aurally. Each person will require different auxiliary aids and services in order to be provided equally effective communication.

This section describes some of the technologies currently available to provide effective communication and suggests possible applications. It is important to note that the specific method of providing effective communication may vary from program to program and from individual to individual. Therefore, the process must take into account the specific needs of the persons and their particular disability. These descriptions of technologies described herein are not exhaustive, and new technologies are constantly emerging. The technologies presented here may also be used as related aids and services that are provided to qualified students with disabilities as part of their free appropriate public education under Section 504.
Materials presented in a visual format can inhibit or prevent communication with persons who are blind or partially sighted. The following are ways that effective communication may be provided for such persons with these types of disabilities:

1) Alternative Formats. It is essential that information be available in a variety of formats in order to be accessible to users with a variety of disabilities. For example, school districts should ensure that persons who are blind or have low vision have access to materials in Braille, on audio tapes, in large print, or in other appropriate formats.

(a) Braille: Braille is a tactile representation of written or printed language. It consists of characters made up of arrangements of raised dots. Not all blind persons read Braille, but many prefer it to tapes because it is easier to scan, easier to refer back to for information, and easier to reference. Braille is sometimes the only alternative form of visual information that a deaf-blind person is able to access since tapes and large print may be inaccessible.

(b) Large print: Many people who have limited vision are able to read large print. Print is measured in "point" size. Standard print is usually 10-12 point. Large print can be produced at low cost using a photocopier that can enlarge. Many computer programs have the option of printing enlarged documents or formatting text in various font sizes.

(c) Audio tapes: Making audio tapes of such program material as textbooks and course listings is often a good alternative to written information. Some people who are blind or visually impaired cannot read, or prefer not to read, Braille or large print. Tapes are also sometimes helpful to people with learning disabilities such as dyslexia.

People with various disabilities may be unable to receive or generate spoken communication. The following are some of the most widely used techniques and devices that can assist with communication:

1) Interpreters: The use of interpreters is still the most commonly used method for providing effective communication to persons with hearing impairments. When sign language interpretation is necessary, the Title II regulations require that it be provided by a "qualified interpreter." Under the Title II regulations, the term "qualified interpreter" is defined as an individual who is "able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary" [28 C.F.R § 35.104]. To satisfy this requirement, the interpreter must have the proven ability to effectively communicate the type of information being conveyed.
The interpreter qualifications most appropriate in each instance will vary. Certified interpreters are not required; in some cases, experienced interpreters familiar with the subject area will do a better job of capturing the content than a certified interpreter who lacks subject area expertise. It is generally not appropriate to use a family member or companion as an interpreter. A deaf or hard-of-hearing person has the right to request an impartial interpreter.

2) Writing. In some situations, there are simple alternatives to spoken communication. Pen and paper may be an easy form of communication in situations where communication is simple. In a more complicated situations, other methods should be considered.

3) Computer-Aided Real-Time Reporting (CART). This service is generally used in meeting or conference settings, but the service may also be provided for students in classes. Real-time reporters, trained as court stenographers, type out words as they are being spoken in a meeting or class and the text is simultaneously displayed on a computer monitor, video monitor, or projection screen.

4) Assistive Listening Devices: Also called assistive listening systems, these devices can be used to enhance hearing in one-on-one discussions or in meeting rooms. They can be fixed or portable. FM systems, for example, use a microphone connected to an FM signal-sending device that can be attached to the speaker. The listener wears a portable headset that can be used anywhere in the room and is able to receive the amplified sound. Multiple listeners can benefit simultaneously from this type of system.

5) Telecommunication Devices for the Deaf (also called a TDD or "text telephone", although the preferred acronym is TTY, standing for "teletypewriter"): Although Section 504 regulations does not specifically address TTY’s, the Title II regulations specifically require that where public entities communicate with the students, parents, employees, employment applicants, or the general public by telephone, TTY’s or equally effective means must be used to communicate with persons who have hearing or speech disabilities [28 C.F.R. § 35.161]. These devices provide a printout or digital display (or both) that enables a person who is deaf or hard of hearing to hold a two-way conversation through the written word.

6) Telephone relay services: In California, telephone conversations can be relayed from a TTY-user to a non-TTY user by the California Relay Service (800-735-2929 for TTY users; 800-735-2922 for voice use) free of charge.
7) Telephone Amplification. Many hearing aids have a telephone setting that can amplify sound if an appropriate handset is used. The local telephone company can provide a handset with the appropriate magnetic field intensity to be compatible with this type of hearing aid setting. Battery-powered, portable handset amplifiers are also available. The amplifier can slip over the handset of most telephones. Accessible public telephones are required to have this feature built-in.

8) Adaptations for Computers. Since operating a personal computer is essentially a visual talk, users who are deaf generally do not experience significant difficulties with computer technology. However, school districts should insure that important information conveyed by beeps or speech during computer related tasks is also displayed visually for the user unable to benefit from the auditory information. Computer operating systems often have built-in options for visually displaying auditory alerts. If necessary, a flashing light signal should be installed that echoes the beeps.

9) Electronic Speech Aids. A number of devices are available that support the exchange of information electronically. Among them is a small device that accepts and displays typed text. Such a device could be stored in a library for ready use by persons who are deaf. Speech synthesizers may also be used to facilitate communications with persons who have speech impediments.

10) Captioning Television and Videotape Programming. Audio portions of television and videotape programming produced by public entities are subject to the requirement to provide equally effective communication for individuals with hearing impairments. Closed captioning of such programs is sufficient to meet this requirement [28 C.F.R. § 35.160 (Preamble)]. A public school system should be able to provide audio-visual materials used for class work, or which are otherwise intended for public education, to carry captions. Closed captioning is an ideal format because the captioning is unseen unless it is needed.

11) Decoders. When a “closed captioned” film or video is shown, a decoder is used to “open” the captions and make them appear on screen.

TTY’s or equally effective telecommunication systems, such as relay services provided by telephone companies, should be provided at all public school offices and departments that provide for interaction by telephone with students, parents, employees, employment applicants, or the public. Appropriate school staff should be trained in the use of TTY’s, or if a relay service is used, they should receive information to help them use it effectively. Where communication with the public by telephone is a major function of a particular component within a public school system, TTY’s should be available [28 C.F.R. § 35.161 (Preamble)].
Also, if a school makes public pay telephones available to students or parents in its facility, but does allow students without disabilities to use a telephone in the administration office to communicate with their parents, the school may be specifically required to provide a TTY so that students with hearing or speech impairments have a similar ability to communicate effectively with their parents. Where TTY-equipped pay phones or portable TTY’s exist, clear signage should be posted indicating the location of the TTY.

**Policies and Procedures:**

1. **Alternative formats:** The District should institute a stated 72-hour advance time period for requests for alternative formats (for example, Braille, large print, audio cassettes, sign language interpreters, captioning, or computer-aided real-time reporting) or auxiliary aids required by students, parents, or the public.

2. **Alternative format notices:** All programs which prepare and provide written materials should include a notice of availability of alternative formats in all written materials.

3. **Production of Braille documents:** Any program’s informational materials should be readily available in alternative formats for distribution upon request.

4. **Testing formats:** All student programs, including District-wide comprehensive testing programs, should develop alternative formats of testing where necessary due to students’ disabilities.

5. **TTY’s:** Purchase and permanently set up departmental TTY’s (telecommunication devices for the deaf, also called TDD’s or text telephones) and advertise (including listing number on stationary and business cards) availability of TTY’s for all departments as identified in the Program Evaluations, Section 3. Train all appropriate personnel as to proper usage. (Note that TTY’s for public pay telephones at individual sites are included in the Transition Plan as required facility-related modifications.)
2.7 AUXILIARY AIDS AND SERVICES

Section Summary
A public entity is required to provide auxiliary aids and services to persons with disabilities in order to ensure equal access to public services.

In order to provide equal access to public services, school systems are required by Title II to make appropriate auxiliary or related aids and services available when they are necessary to ensure effective communication [28 C.F.R. § 35.160(B)(1)], as described in Section 2.6. Furthermore, auxiliary aids and services are often required to provide equally effective programmatic accessibility in areas not specifically related to communications. Upon the request of a qualified person with a disability, public school systems must provide access to programs and communication through appropriate auxiliary aids and services. Auxiliary aids and services include a wide range of services, equipment, and devices that provide effective accommodation to people with mobility, visual, hearing, or speech disabilities.

Providing a qualified sign language interpreter for an individual who is deaf is an example of an auxiliary service under Title II. Other examples of auxiliary aids and services for people who are hearing impaired include note-takers, computer-aided real-time transcription services (CART), amplified and hearing-aid compatible telephones, assistive listening systems, open or closed captioning and caption decoders, text telephones or telecommunication devices for the deaf (TTY’s), and flashing alarms.

Auxiliary aids and services for people with visual disabilities include providing access to printed information through audiotape cassettes, computer diskettes, Braille or large print materials, or through the use of qualified readers; providing verbal descriptions of action and visual information to enhance the accessibility of performances and presentations; and making a staff member available as a guide to enable a person with limited vision to find his or her way along an unfamiliar route.

There may often be an overlap between the provision of auxiliary aids and services that are designed to ensure effective communication and related aids and services that are necessary to provide a free appropriate public education (FAPE) to qualified students with disabilities under Section 504. Public elementary and secondary schools that receive federal financial assistance must provide regular or special education, as well as related aids and services, designed to meet the individual educational needs of each qualified student with a disability [34 C.F.R. § 104.33(b)(1) and 28 C.F.R. § 35.130(b)]. The concept of “related aids and services” applies to any supplementary aids, adjustments, and services, including those that are communication-related, that are necessary to ensure effective communication and that are necessary to ensure FAPE.
The concept of “related aids and services” under Section 504 is broad, extending beyond the context of communication. Equipment used to make physical accommodations for students with mobility impairments, psychological services, and physical and occupational therapy are examples of “related aids and services” under Section 504, but they would not be considered “auxiliary aids and services” that are designed to ensure effective communication under Title II.

A public school system must give each person with a disability an opportunity to request the auxiliary aid or service of his or her choice. School districts should honor this request unless they can demonstrate that another aid or service will be effective for the individual requesting the service, the proposed action would fundamentally alter the service, program, or activity, or that the action would result in undue financial and administrative burdens [28 C.F.R. § 35.164]. Where a school district can demonstrate a fundamental alteration or an undue burden, the district must take other measures to ensure that it does not discriminate against an individual with a disability. Deference to the request of the individual with a disability is crucial because of the range of disabilities, the variety of auxiliary aids and services, and the various circumstances requiring effective communication. It is important to consult with the individual to determine the most appropriate auxiliary aid or service because the individual with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective.

Policies and Procedures

1. **Alternative formats**: The District should institute a stated 72-hour advance time period for requests for alternative formats (for example, Braille, large print, audio cassettes, sign language interpreters, captioning, or computer-aided real-time reporting) or auxiliary aids and services required by students, parents, or the public.

2. **Reasonable modifications**: Make reasonable modifications for inclusion of students, parents, or members of the public with disabilities, in public meetings or special programs, by providing auxiliary aids and services, including providing sign language interpreters, upon a 72-hour advance request.

3. **Curriculum related accommodations**: Provide reasonable modifications as required, including special assistive devices to mobility-impaired, orthopedically-impaired, hearing-impaired, or visually-impaired students in conjunction with the administering of curriculum, instruction, or extra-curricular activities.
2.8 CONTRACTED PROGRAMS AND SERVICES

Section Summary
A public entity is responsible for ensuring that all contracted programs and services comply with ADA regulations and are free from discriminatory practices.

A public entity may not do anything through a contractual relationship that they cannot do directly [29 C.F.R. § 1630.6(a)]. As part of the self-evaluation process and of future reviews conducted to ensure continued compliance with the ADA, a public school system should examine the practices of contractors, consultants, or any other parties that conduct programs or services on behalf of the district. Particular attention should be given to the methods contractors use to recruit or screen participants. In addition, any apprenticeship and job-training programs with which school districts are associated must also be free from discrimination in their treatment of participants. Public school systems must inform contractors that they must maintain their mutual obligation to comply with the ADA.

Labor unions are covered by the ADA and have the same obligation as the employer to comply with its requirements. A public school district cannot take any action through a labor union contract that would be impermissible for it to take directly. For example, if a union contract contained physical requirements for a particular job that screened out people with disabilities who were qualified to perform the job, and these requirements were not job-related and consistent with business necessity, they could be challenged as discriminatory by a qualified individual with a disability.

Policies and Procedures

Require all contractors and consultants to comply fully with all applicable portions of the ADA by including an ADA compliance clause in all District contracts. A sample clause is given below:

Compliance with Americans with Disabilities Act

(Contractor) (Consultant) acknowledges that, pursuant to the Americans with Disabilities Act (ADA), programs, services, and other activities provided by a public entity to the public, whether directly or through a contractor, must be accessible to persons with disabilities. (Contractor) (Consultant) agrees not to discriminate against persons with disabilities in the provision of services, products, benefits, or activities provided in this Contract or Agreement, and further agrees that any violation of this prohibition on the part of the (Contractor) (Consultant) shall constitute a material breach of this Contract or Agreement.
2.9 MAINTENANCE OF ACCESSIBLE FEATURES

Section Summary
All accessible facility elements, equipment, and alternate services required under the ADA must be maintained in good working order.

Under the Title II regulations, public school systems must maintain in working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities under the ADA [28 C.F.R § 35.133(a)]. Inoperable elevators or wheelchair lifts, locked accessible doors, or accessible routes that are obstructed by furniture, filing cabinets, or potted plants are neither “accessible to” nor “usable by” individuals with disabilities [28 C.F.R. § 35.133 (Preamble)]. Section 504 regulations do not contain a comparable provision concerning the maintenance of accessible features.

This particular ADA requirement would also apply to alternative programs and services that are enacted to provide programmatic accessibility in lieu to physical accessibility. For example, programs and services that provide effective communications under the ADA must be maintained in operation as required to continue the services so that they may be used by someone in the future.

It should be noted that Title II requirements regarding the maintenance of accessible features do not prohibit temporary obstructions or isolated instances of mechanical failure [28 C.F.R. § 35.133(b) (Preamble)]. Isolated or temporary interruptions in service or access due to maintenance or repairs are also not prohibited [28 C.F.R. § 35.133(b)]. However, allowing obstructions or “out of service” equipment to persist beyond a reasonable period of time where timely repair or removal is possible would violate this requirement, as would repeated mechanical failures due to improper or inadequate maintenance [28 C.F.R. § 35.133 (Preamble)].

The San Francisco Unified School District should maintain a system of monitoring standard accessibility improvements at all school sites to assure continuing compliance with the ADA Accessibility Guidelines and to take all reasonable steps to provide both programmatic and physical access for persons with disabilities. Programmatic requirements, such as the provision of TTY’s, sign language interpreters, and alternative written formats, should be monitored by the ADA Coordinator (see Section 2.2). Certain technical requirements, such as the maintenance of telephone lines to accommodate TTY’s, would probably need to be delegated to those responsible for such systems within the District. While physical access items should be reviewed and monitored at a general level by the ADA Coordinator, detailed monitoring of such items should be delegated to the District’s Department of Buildings and Grounds, who would ultimately be responsible for maintenance and repairs. Buildings and Grounds should designate a supervisor to...
oversee accessibility-related improvements at the various school sites, train personnel on how to keep systems in working order, and resolve details of potential or reported problems.

✔ Policies and Procedures:

1. Appoint a supervisory-level person within the Department of Buildings and Grounds to work with the ADA Coordinator for Programmatic and Physical Accessibility and be responsible for maintenance and repairs of accessibility-related improvements at the various school sites, train personnel, order parts, and resolve details of potential or reported problems. Specific conditions that should be maintained to provide physical accessibility include, but are not necessarily limited to, the following items:

1) Maintain exterior pathways and repair any surface irregularities that may become greater than 1/2” due to wear or cracking, and make other repairs to keep pathways from causing hazardous conditions.

2) Maintain disabled parking spaces to have all appropriate signage and to keep access aisles to the spaces and to the main entrances they serve clear and usable.

3) Maintain and replace as required all building signage that would direct persons with disabilities to the accessible paths of travel.

4) Maintain all doors providing primary accessibility to be fully operable and unlocked during normal hours of operation of the facility, and during all public functions.

5) Maintain all door pressures required to open doors to be as low as possible, but in no case more than 8.5 pounds for exterior doors and 5 pounds for interior doors.

6) Maintain all elevators in proper working condition. Set up and monitor yearly maintenance inspections by contracted elevator maintenance companies and State Elevator Safety Unit for all elevators.

7) Maintain all wheelchair lifts in proper working condition, with keys prominently displayed at facility main offices (see also section 2.10). Set up and monitor yearly maintenance inspections by contracted lift maintenance companies and State Elevator Safety Unit for all lifts.

8) Maintain all accessible plumbing fixtures, including toilets, urinals, lavatories, sinks, faucets, showers, and drinking fountains, to be fully operational and in compliance with accessibility codes.
9) Maintain all toilet accessories to be fully operational and mounted no more than 40" above the floor at all accessible restrooms. Maintain all grab bars to be tight and structurally sound.

10) Maintain and monitor objects mounted on walls to protrude no more than 4" into paths of travel.

11) Maintain audible and visual fire alarms and pull stations to be fully operational.

2. Maintain all phone lines serving TTY’s to be fully operational. Train staff how to answer and handle incoming calls over the TTY’s.

3. Appoint a supervisory-level person within the Department of Facilities Planning to be responsible for the design of replacement, repair, or modification of accessibility-related improvements. Such person shall coordinate proposed and completed accessibility improvements with the ADA Coordinator for Programmatic and Physical Accessibility.
2.10 ACCESSIBLE MEETING LOCATIONS

Section Summary
All meetings that serve the general student population or the general public must be held at locations that are accessible, both physically and programmatically, to persons with disabilities.

The San Francisco Unified School District, though its various sites and programs, often holds meetings and assemblies for the general student population and community members. Such meetings may be held on District properties or at non-District sites. Likewise, meetings are often organized and operated by non-District organizations and held at District owned or operated sites.

In order to assure compliance with the ADA, such meetings should only held at sites that are accessible to persons with disabilities. The term "accessible" would apply not only to the physical facility location, but also to the programmatic requirements of the particular event, such as communications and assistive devices, as these are described in other portions of this self-evaluation.

At a minimum, meeting participants should expect the following, in terms of physical accessibility:

1. accessible parking, if on-site parking is provided for attendees,
2. an accessible path of travel from the public right-of-way and parking area (if provided) to the meeting location,
3. accessible separate-gender restrooms (if separate-gender restrooms are provided for other attendees) or an accessible unisex restroom (if a unisex restroom only is provided to other attendees), within reasonable proximity to the meeting location.
4. an accessible drinking fountain, if provided to other attendees.
5. accessible seating at an integrated location within the meeting area.
6. access to all ancillary spaces, such as stages or pits.

 Policies and Procedures:

Institute procedures to assure that all public meetings are held at accessible locations within all sites where such meetings are held. An “accessible location” is a location at which elements relating to the specific meeting area are accessible, including parking and loading zones, path of travel to the meeting location, restrooms and drinking fountains serving the meeting location, and all assembly room elements, such as seating areas and assistive listening systems.
2.11 PARENT PARTICIPATION AND COMMUNICATIONS

Section Summary
Parents of students with disabilities should be allowed maximum participation in their children's education.

All parents of children with disabilities in public school systems rely on their local school district's expertise and knowledge on successful ways of educating children with special needs. However, at the same time, many parents themselves have useful knowledge about their own child's particular needs and can greatly assist in the development of their child's educational, as well as their social and behavioral, development.

Many District programs described in the District Programs List have the potential for parent involvement that would benefit children, parents, and teachers. Such possibilities should be explored within each program to assure that parents of students with disabilities have the ability to positively affect their child's education.

 Policies and Procedures:

Institute policies and procedures to improve participation, volunteerism and open visitation by parents. Strong communication between parents, teachers, and aides is important in assuring effective individual education programs of students with disabilities.
2.12 INTEGRATED CLASSROOM SETTINGS

Section Summary
It is important that students with disabilities have educational settings integrated with the general school population.

Policies and Procedures:

1. Classroom settings: Provide physical integration of special education classrooms and students with disabilities within the school site's layout to assure disabled students' rights of least restrictive environment. Discontinue any practice, if it may exist at any specific site, of placing special day classes or resource specialist programs at less desirable or portable classrooms isolated from the main school building, to any greater extent than the general education programs utilize such classrooms.

2. Regular classroom participation and mainstreaming: Continue to institute specific policies and procedures designed to include children with disabilities in the regular classroom environment, to the maximum extent possible. Prepare informational materials and case-study scenarios for review by parents. Train teachers to recognize programmatic areas for full-inclusion and mainstreaming.

3. Placement: To the extent possible, reinforce placement of all students with disabilities in accordance with practices afforded to other students.
2.13 USE OF ELEVATORS AND WHEELCHAIR LIFTS

Section Summary

Elevators and wheelchair lifts should allow for independent and efficient use by persons with disabilities. Such equipment should be continually inspected and maintained to be in working order at all times.

In most cases and at most locations, elevators and wheelchair lifts are necessary for persons with disabilities to have primary access to all floors of a building, or to various levels within a particular story. The transition plan describes specific locations where new elevators or wheelchair lifts are required, or where existing elevators or wheelchair lifts need to be renovated or modernized.

There are some real security concerns relating to elevators and lifts at public school sites. At the same time, reasonable security concerns must be weighed against the need for persons who rely on elevators or lifts for primary access to effectively use a facility.

There are a number of programmatic and relatively complicated code-related issues on the subject of elevator and lift operation. Both the ADA and the California State Building Code (Title 24) require that elevators and lifts should be installed to “facilitate unassisted entry, operation, and exit”. Because any parent or visitor to a school must check-in at the office, it might represent no greater an imposition for a person with a disability than for a non-disabled person to get the key from the office. For such a policy to be implemented, it must be assured that the key is readily available, even if regular staff are not present.

Policies and Procedures:

Institute the following policies for the use of elevators and wheelchair lifts:

1) Wherever possible, elevators and lifts should be left unlocked and operated without the use of keys.

2) If key(s) for elevators or lifts are required, individual students with disabilities, parents of students with disabilities, parents with disabilities, or aides must be provided with a key, upon written request.
3) There must be a prominent sign, both at the main entrance and in the main office, stating the location of any elevator or lift at the site, and describing the policy for its use, including the location of any key(s) necessary to operate the elevator or lift.

4) Keys must be kept in a prominent and permanent location, with staff knowledgeable of its location, and with instructions for elevator or lift use.

5) Appropriate staff (main office and custodial) should take part in a training on operation of the lift and remain knowledgeable on its proper operation and use.

6) The Department of Buildings and Grounds must have every elevator and lift inspected and serviced yearly, on a contract basis. (It should be noted this is a new state regulation that came into effect on July 1, 1998).

Wheelchair lifts are often used to provide access to an assembly room stage, but lifts must be unlocked or the key readily available at all times if lifts are to function properly.
2.14 DISTRICT-WIDE PROGRAM POLICIES AND PROCEDURES

Section Summary
This section contains a number of specific programmatic policies that are recommended for implementation by the District.

The various programs, services, and activities of the District pose a number of issues related to programmatic accessibility for persons with disabilities. While it has been a focus of this self-evaluation to analyze the characteristic of each program and to evaluate the methods each program utilizes to include persons with disabilities, the overall responsibility is an on-going one that requires the development of policies and procedures on the part of the various departments.

The detailed program evaluations included in Part 3 each include a number of recommended policies and procedures for implementation by each specific program. However, these can be summarized and classified by the general types of programs, as listed below.

🎉 Policies and Procedures

District-wide administrative and regulatory programs:
1. Hold all board meetings at accessible locations.
2. Hold all public meetings at accessible locations.
3. Locate all unique programs at accessible locations within schools.
4. Make reasonable accommodations for inclusion of students/parents/members of the public with disabilities in public meetings or special programs.
5. At all public meetings and special activities, provide sign language interpreters upon a 72-hour advance request.
6. Purchase departmental TTY (text telephone) for major District departments and advertise (including listing number on District stationary and business cards) availability of TTY.
7. Make reasonable accommodations for parents with disabilities in all District-wide programs and activities.
8. Include notice of availability of alternative formats in all written materials.
9. Ensure that each department's and program's informational materials are available in alternative formats for distribution upon 72-hour request.

District-wide comprehensive testing programs:
10. Develop program policies for inclusion of special education, 504, or other disabled students into District-wide or other comprehensive testing programs, including allowing alternative formats, expanded time limits, and breaks.
11. Develop alternate forms of District-wide testing where necessary due to individual students' disabilities.
12. Conduct all tests at accessible locations, when disabled students participate.

**District-wide transportation:**
13. Evaluate needs for transportation of students with disabilities when entering into contracts for transportation services.
14. To the maximum extent possible, provide transportation methods allowing for integration of special education students or other students with disabilities with regular classrooms.
15. To the maximum extent possible, require contractors to purchase wheelchair accessible buses, with front wheelchair loading ramp, as opposed to vans, whenever new equipment is purchased.
16. Make reasonable accommodations for non-scheduled transportation of students or parents with disabilities.
17. Provide annual training on the requirements disabled passengers, including a written policies and procedures manual, for all drivers, dispatchers, and other employees of the District's transportation contractors.
18. Designate an employee within the Transportation Office to receive complaints from parents or students with disabilities regarding the operations of contractors. All such complaints are to be resolved in accordance with the District's grievance procedures. Copies of all such complaints and their resolution are to be forwarded to the ADA Coordinator for Programmatic and Physical Accessibility.
19. Monitor all operations of the transportation contractors by preparing quarterly reports of activities and any reported problems. Copies of all reports are to be forwarded to the ADA Coordinator for Programmatic and Physical Accessibility.

**District-wide regular and special curriculum:**
20. Develop standard modification policies to regular programs for most common categories of disabilities.
21. Develop program policies for the inclusion of student’s with visual impairments into curriculum and performing arts activities.
22. Provide reasonable modifications as required including special assistive devices to mobility-impaired, orthopedically-impaired, or visually-impaired students in conjunction with the usage of manipulatives or other materials, such as artist's brushes.
23. Provide a minimum of one accessible lab station at each type of science lab at each site. Locate all student science activities at accessible location within schools when disabled student or students with disabled parents participate.
24. Provide a minimum of one accessible workstation at all vocational or trade programs, such as at instructional kitchens and sewing stations. Locate all student activities at accessible locations within schools, when students with disabilities participate.

25. Develop program policies for the inclusion of students with disabilities into curriculum and music activities, with particular emphasis on the inclusion of deaf or hearing-impaired students.

District-wide extra-curricular activities:

26. Develop program policies for the inclusion of special education or students with disabilities into all extra-curricular activities.

27. Locate all student extra-curricular activities at accessible locations within schools and verify accessibility of all off-campus sites.

28. Review student eligibility requirements and procedures, such as try-outs for choral groups, to assure those students with disabilities are not excluded due to testing or presentation methods.

District-wide computer, and web-based programs:


30. Institute usage of universal computing standards and programs (such as standards enacted by the Center for Applied Special Technology and Computer "Bobby" approved websites).

31. Locate all student computer activities at accessible locations within schools. Provide permanently accessible computer stations for mobility-impaired students in all computer classrooms, with a minimum of one accessible workstation per classroom type.

District-wide physical education programs:

32. Develop program policies for inclusion of special education/disabled students into regular physical education programs where possible, taking into account the actual physical disabilities of the particular student.

33. Develop policies and procedures for adaptive physical education programs where students have such a program listed in their Individual Education Plan.

34. Develop program policies for special physical education activities aligned as closely to regular program activities to the maximum extent feasible.

35. Provide a minimum of one accessible play area, climbing structure, and other apparatus representative of regular equipment, at each area used by separate grades at all school sites.

36. Develop alternate procedures and formats for physical education testing where necessary due to specific disabilities.

37. In intramural sports programs, develop alternative programs for students with disabilities, aligned with regular intramural sport activities.
District-wide parking policies:
38. Train security personnel to monitor any potential misuse of accessible parking spaces or access aisles, including written warnings if necessary.
39. Instruct site Principals and other administrators to remind staff to keep accessible parking spaces or access aisles reserved for those with legal disability placards.

Miscellaneous District-wide policies:
40. Prepare written safety and evacuation procedures for participants with disabilities in all programs.
41. Update Board of Education policies and regulations where necessary.
PART 3:

PROGRAM, SERVICE, AND ACTIVITY EVALUATIONS
3.1. PROGRAM DEFINITIONS

A program is an activity or service offered to the “public” by the District. A specific activity or service may be considered a program on its own, or will be included as part of a more general program. Teaching elementary school mathematics is an activity and a program, while interscholastic athletics includes many specific activities, such as boys’ varsity football. There are some programs or activities that are not listed separately, and many that will be started after this report is completed, but any current or future activity should be covered by a more general program. When categorizing a program or activity not listed specifically, use the most specific category that applies to determine program access requirements.

The “public” served by the District is generally considered to be children living in the City and County of San Francisco. District programs may also serve the parents of the children, adult students, community members, and qualified students living outside the District. Programs that do not directly serve the public are generally not considered programs for the self-evaluation. Programs for teacher or staff are generally considered as employee development and covered primarily by the standards in Title I. Teacher training programs that have a direct impact on teaching methods or other classroom activities may be included as a specific program, otherwise they should be evaluated under the general “Human Resources” program for the purposes of Title II compliance.
3.2 PROGRAM EVALUATIONS

The ADA requires that School Districts evaluate all programs, services, and activities offered to both its students and to the community as a whole. This process is referred to as the self-evaluation, and the specific procedures the San Francisco Unified School District has undertaken to comply with ADA requirements regarding the preparation of a self-evaluation is outlined in Section 1.6.

The District's programmatic survey and evaluation process was conducted in an effort to comply with the following requirements of the ADA:

1. Identify all programs, services, and activities of the District,
2. Identify where each program, service, and activity is offered,
3. Identify the recipients of each program, service, and activity,
4. Identify any non-architectural or programmatic access barriers (note that architectural barriers to programs and services are evaluated in a separate section),
5. Where a barrier exists, evaluate how the program, service, or activity can be offered to include persons with disabilities,
6. Develop policies and procedures to assure overall compliance with the ADA.

Program/service evaluations include both curriculum/instructional areas and miscellaneous programs / extra-curricular activities. For purposes of classification, District programs and services have been divided into four basic types:

1. General District Programs,
2. General Curriculum/instructional Programs,
3. Specialized Curriculum/instructional Programs,
4. Extra-curricular Programs and Activities.

The data collected and the recommended policies and procedures proposed are intended to be evaluated on a District-wide level. The intent is to establish District-wide guidelines and standards so that individual sites operate in a manner consistent with District standards and with policies of other sites. Individual sites are expected to implement District-wide policies and procedures in all cases, and to fully document and obtain formal Board of Education approval for any areas where exceptions or modifications of District policies and procedures may occur.

Information on the following pages includes a program/service evaluation for each general categorization of all District activities. The intent is that all programs and services would fall into one or more of the categorization of activities presented. Where a program or service that cannot be categorized as presented herein may exist or come into being, that program or service would be required to meet the District's general non-discrimination policies and procedures and to document any specific policies and procedures characteristic to that particular program.
3.3 OVERVIEW OF SCHOOL DISTRICT PROGRAMS

Information is collected in this document for the District programs identified below. Data includes a general description with specific activities, location of service(s), direct recipients, supervisor or department responsible, communication methods, and other specific service methods and resources.

There is a one-sentence definition and a longer paragraph description for each program. A program location may be listed as “all high schools” if offered at most or all of the sites in the category, or listed at specific sites. Direct recipients are those that get the specific benefit of the service. Parent or community volunteers and others involved in the delivery of the service are included as "resources."

The person and/or department responsible may be the direct provider of the service or the program administrator. Communication includes oral or written, telephone or computer, and any other methods used in the advertising or delivery of the service or activity. Any other information about programs that has been made available is also included.
3.4 PROGRAM CATEGORIZATION

The categorization analysis divides all programs into five categories:

- General Programs
- General Curriculum Programs
- Special Curriculum Programs
- Extra-curricular Programs
- Non-District Programs

General Programs are not directly related to curriculum, but provide support for students and their families. These include health services, counseling, job placement, and other activities and services that would generally be offered to qualified students at any school. General programs are usually offered district-wide, though may be grade specific.

General Curriculum Programs are the standard educational programs usually considered as “core” curriculum, such as math, English, and science, offered at all schools based on grade level.

Special Curriculum Programs are generally considered as “elective” courses, and are not always offered equally at all schools. These include shop, technical drawing, vocational courses and internships. The use of alternative methods to teach “core” subject matter may also be included as Special Curriculum.

Extra Curriculum Programs include a wide range of activities, both educational and recreational, which are held outside normal school hours and not required as part of regular coursework. These include after-school tutoring, student clubs, and athletics.

Non-District Programs are activities held at District facilities that may or may not serve the students. Such programs include voting and use of school multi-purpose rooms or auditoriums for community meetings. For Non-District programs, the activity of the District is generally considered to be providing or renting space to an outside group rather than the specific activity of the group.

Program accessibility is determined by viewing the program in its entirety. The program must comply with the applicable policies and procedures described later in this section. It must be offered in at least one accessible location, possibly more than one. Elementary math, for example, should be offered at more than one accessible location. The nature of school facilities is that a student should be able to attend his or her neighborhood school, which is the standard assignment for non-disabled students. Alternative or Magnet schools offer special programs or activities that should also be accessible to any qualified student.
### 3.5 DETAILED PROGRAM LIST

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| 402 | Academic Talent Development (A.T.D.P.) |
| 403 | Alumni Associations |
| 404 | Assemblies &amp; Rallies |
| 405 | Back to School Events |
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| 407 | Carnivals |
| 408 | Cheerleading |
| 409 | Chorus |
| 410 | Concerts, Performances, Plays |
| 411 | Dances &amp; Proms |
| 412 | Fundraisers |
| 413 | Graduations |
| 414 | Interscholastic Athletics |
| 415 | Intramural Athletics |
| 416 | Lunch Activities |
| 417 | Spirit Days |
| 418 | Staff/Student Recognition Days |
| 419 | Student Clubs |
| 420 | Student Government |
| 421 | Student Publications |
| 422 | After-school Learning Program |
| 423 | America Reads |
| 424 | Americorps |
| 425 | Asian Art Museum |
| 426 | Beacon Centers Initiative |
| 427 | Careers in the Visual Arts |
| 428 | Close Up Program |
| 429 | Coalition of Essential Schools |
| 430 | Community Music |</p>
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PART 4:

DISTRICT PROGRAM REPORTS
4.1 PROGRAM EVALUATIONS FROM THE SELF-EVALUATION DATABASE

Section Summary

Detailed evaluations of individual programs, services, and activities included in this self-evaluation are contained in a Microsoft Access database. Copies of reports for individual programs are available from the SFUSD Public Information Office.

As described in Section 3.2, the District has undertaken the ADA-required task of evaluating its various programs and developing policies and procedures to assure non-discrimination of persons with disabilities.

The results of these detailed program evaluations create a voluminous body of data that is too large to be contained in a single written document. The database currently contains 226 distinct programs, and an individual ADA facility evaluation can run from 5 to 10 standard pages. That means a fully complete document would be over 2,000 pages long.

In order to expedite the need for the public to review the detailed reports for any particular program, the District intends to set up a computer station at the SFUSD Public Information Office, 555 Franklin Street, San Francisco, CA., so that any member of the public may view or print ADA program evaluations for a particular program or activity. In addition, the District will attempt to provide individual ADA program evaluations in printed format at the San Francisco Main Library.

In addition, reviewers may view or print summary reports describing the nature of programs offered at each individual facility.