

June 18, 2025

BY EMAIL

Sweekar Simpson, Risk Manager
Santa Clara Unified School District
ssimpson@scusd.net

Re: Request for Policy Modification – LED Light Discrimination

Dear Sweekar Simpson,

In our understanding, Santa Clara Unified School District currently has a policy of ignoring the discriminatory impacts of devices that use Light Emitting Diodes (“LEDs”) on individuals with disabilities. On June 12, 2025, the US Supreme Court issued a decision regarding disability rights. (*A. J. T. v. Osseo Area Schools, Independent School Dist. No. 279*, 605 U.S. ____ (2025)). In this ruling, the Supreme Court established uniformity of the Deliberate Indifference standard for discrimination by a public entity. A public entity having no policy for LED light discrimination meets the threshold for deliberate indifference.

28 C.F.R. § 35.130(d) states, “A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.”

35 C.F.R. § 35.130(7)(i) states, “A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.”

A LED light discrimination policy could describe, for example, how to respond to a request for a non-LED computer display, or a request to eliminate auxiliary LED flashing lights on vehicles which are already illegal under Cal. Veh. Code Section 25250, or a request for removal of digital flicker in LED overhead classroom lights, or a request for a warmer color temperature for LED outdoor lights. Each of these examples demonstrates real-world needs for individuals with epilepsy, autism, migraines, PTSD, photophobia, and other qualified ADA disabilities.

As an individual with multiple qualified ADA disabilities, I am frequently discriminated against by the use of LED devices because the special characteristics of LED light interfere with my ability to see, think, and concentrate, and interfere with my path of travel. Therefore,

under 35 C.F.R. § 35.130(7)(i), I am requesting the reasonable modification of Santa Clara Unified School District's policies, practices, and procedures to include consideration of the adverse and discriminatory impacts of LED devices on individuals with disabilities, including me, for all of Santa Clara Unified School District's services, programs, and activities.

Sincerely,

/s/ Mark Baker
Individual

/s/ Mark Baker
President
Soft Lights Foundation
www.softlights.org
mbaker@softlights.org

APPENDIX A - STANDING

California recognizes, through case law and statute, citizen standing. Citizen standing is the doctrine that the illegal action of a governmental entity injures a citizen's interest in the laws being observed, and that this interest can form the basis of an action seeking to correct the illegality. (*Common Cause v. Bd. of Supervisors* (1989) 49 Cal. 3d 440)

I am a resident of California and have lived and traveled extensively throughout California. I have suffered severe neurological and psychological trauma numerous times from exposure to LED lights. Thus, I have a beneficial interest in this issue. (Cal. Code of Civ. Proc., § 1086).

The purpose of this request for policy modification is for enforcing important public policies of the State of California with respect to the protection of public health, safety, and civil rights. The publication of an LED light discrimination policy will confer a substantial public benefit by protecting the public and individuals with disabilities from the adverse impacts of LED lights.

I am the President of the Soft Lights Foundation and advocate for the protection of individuals who are adversely impacted by LED light. Thus, I have established standing for this policy request due to the Public Interest Exception. (*Board of Social Welfare v. County of Los Angeles* (1945) 27 Cal. 2d 101, *Green v. Obledo* (1981), *Dix v. Superior Court* (1991), *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011))

I may act as a private attorney general under California Code of Regulations § 1021.5 to enforce these public policies.

APPENDIX B – LED INCIDENT REPORTS

The Soft Lights Foundation has collected hundreds of LED Incident Reports, all of which have been submitted to the US Food and Drug Administration so that these reports are now part of the public record. Here is a link to all of the reports: (<https://www.softlights.org/led-incident-reports/>). Below are several of the reports to help the policy committee understand the severity of the LED light discrimination issue.

April 25, 2025 – Iselin, NJ – Other

I had optic neuritis and now have a blind spot in my left eye. Today I went into a department store and the flickering was so bad from the LED lights that my eyes started to flutter uncontrollably. I have never had this happen before today. I just happened to be under a flickering led light. They are awful, and I have trouble seeing with them.

March 31, 2025 – South Saint Paul, MN – Migraine

Light-triggered migraines with aura, I'm effectively blind for an hour following exposure, then typical migraine symptoms for 1-2 days. Have been restricted to side of road or parking lot unable to return home until aura passes. Headlights and some streetlights and home lighting trigger events.

March 26, 2025 – Greensboro, NC – Photophobia

Certain bright LED lights, particularly house flood/security lights and car headlights, give me an instant headache behind my eyes. These headaches last anywhere from 30 minutes to 2 weeks. These headaches are not "psychological"; I've been evaluated by several doctors and my condition is 100% real. I'm not quite sure what's causing my photophobia, it might be migraines and dry eyes. The common belief that "led lights are flawless and superior" is completely false. These lights emit way too much blue light and have a bad flicker. Incandescent lights are more expensive because, like expensive healthy food, they are good for us.

March 8, 2025 – Troy, OH – Migraine

My life has changed completely because of LED! I have suffered 49 years with migraines, and recently, LED lights are a contributing factor in me qualifying for disability benefits. LEDs trigger migraines, and are everywhere – stores, computers, cars, doctor offices – everywhere I go I am walking into a landmine. We built a house, and I stocked up in enough incandescent bulbs to last me the rest of my life. Even buying a new car has become difficult, because of all the blue interior LED lights. ENOUGH already!

December 24, 2024 – Wichita, KS – Autism

Multiple brain injuries left me with diagnoses that include migraine, severe photophobia due to a retinal sensor injury – ipRGC's the Light Meter for the eyes which regulates circadian rhythm. It also manages retinal light adaptation. Exposure to LEDs and any blue spectrum bright light, especially light that flickers or moves, causes me intense pain, violent nausea, vomiting, weakness, chest pain, shortness of breath, a lot of the symptoms of a heart attack or a severe panic attack. It took me many doctor visits to learn the cause of this severe photophobia and flaring systemic symptoms. I also learned that I have a diagnosis of autism spectrum Level one which explains my severe sensory overwhelm experience to light, but that combined with this retinal injury has rendered me unable to drive at night at all in these new lighting

conditions. It's so unsafe even wearing blue light blocking glasses with glare blocking appliqués in my windows to block headlights in my side views and the oncoming traffic.

December 18, 2024 – Vallejo, CA – Other

My wife has conditions that include Hereditary Alpha Tryptasemia which is causing seizures. Bright lights can trigger them, too, so these LED lights are extremely harsh for her, meaning she cannot leave the house in the evenings anymore, or go into stores, doctor's offices, look at Christmas lights, etc., as they are all equipped with the new LED lights. We've resorted to not using the lights in our home as they are the new LED bulbs and we cannot purchase incandescent bulbs. Luckily we have two lamps with old bulbs that we can use. I do not have this issue, but when driving I notice how bright and blinding headlights appear to be these days. My first reaction is to think the drivers have their high beams on. The worst is large trucks with lights shining straight through the back window into the rear-view mirror. It's truly awful.