

RESOLUTION AGREEMENT
Sarasota County School District
Case Number 04-15-1246

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Sarasota County School District (the District) enter into this agreement to resolve the allegation in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U. S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131, *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

District-wide Remedies

1. By January 31, 2018, the District will submit to OCR for review and approval a proposed Districtwide policy and procedures regarding the transition back to District of students who are removed from District under the Baker Act¹.

REPORTING REQUIREMENT: Within 40 days of OCR's approval of the District's policy, the District will submit documentation indicating that the approved revised policy has been officially adopted by the District and demonstrate that the policy has been disseminated using its standard methods for disseminating new information that is important to students, parents/guardians, employees, and other members of the public, including but not limited to publication on the District's website.

2. The District will ensure that the new policy implemented pursuant to Provision 1 above is disseminated to all certificated staff in the District and to any support staff that would have responsibility for supervising special needs students. The District will provide a review of the new policy at a staff meeting prior to May 31, 2018.

¹ The **Florida Mental Health Act of 1971** ([Florida Statute 394.451-394.47891](#)¹¹ (2009 rev.)), commonly known as the "**Baker Act**," allows the involuntary institutionalization and examination of an individual. The Baker Act allows for involuntary examination (what some call emergency or involuntary commitment). It can be initiated by judges, law enforcement officials, physicians, or mental health professionals. There must be evidence that the person: possibly has a mental illness (as defined in the Baker Act); and is a harm to self, harm to others, or self-neglectful (as defined in the Baker Act).

REPORTING REQUIREMENTS: By June 30, 2018, the District will provide OCR with a description of how the new policy was disseminated to staff members, documenting that the policy has been reviewed in a staff meeting at each school.

3. The District will provide policy training to all staff members who interact with students with disabilities regarding the transitioning back to school of students subjected to the provisions of the Baker Act consistent with the newly adopted policies.

REPORTING REQUIREMENT: By August 31, 2018, and annually thereafter until such time as OCR closes the monitoring of this Agreement, the District will provide OCR with documentation demonstrating implementation of the training for required staff, including documentation that the required staff completed the training, and a copy of the training materials.

Student Remedies

4. The District will offer the Student counseling to address issues of anger after being denied the opportunity to return to school and classes from October 28-30, 2014. If the Complainant declines the offer for counseling, the District will reimburse the Complainant for the Student's counseling related to his treatment on October 28-30, 2014. The reimbursement will be for her verified, out-of-pocket expenses for past counseling sessions for the Student, as well as any future counseling sessions within one year of this agreement. The amount of reimbursement will not exceed \$500.00 and will be based on written documentation from the Student's current private counselor detailing how much therapy the Student has required, and still requires, regarding his time at the District and the costs associated with this counseling as well as account statements, explanations of benefits, or other necessary documentation of the Complainant's out-of-pocket expenses.

REPORTING REQUIREMENT: Within 60 days of the effective date of this Agreement, the District will send OCR copies the counselor's statement, the documentation of out-of-pocket expenses provided by the Complainant, and documentation of payments for the Student's counseling. Every 60 days thereafter the District shall provide documentation of payments for the Student's counseling for the year following the execution of this Agreement or until the Student's counselor deems there is no further counseling required for the Student regarding his time at the District.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview District employees and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 of the

Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close and dismiss this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

For Sarasota County School District:

Name
Title

Date