

**Resolution Agreement
Manatee County School District, Florida
Complaint #04-19-1407**

The U.S. Department of Education, Office for Civil Rights (OCR), enters into this agreement to resolve the allegations in the above-referenced complaint filed against the Manatee County School District (District). The District assures 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, *et seq.*, 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 (CPM). Accordingly, to resolve the issues in this investigation, the District agrees to take the following actions.

Policy Modification Notification:

1. **By August 12, 2019**, the District shall revise its policy regarding the recording of Individualized Education Plan (IEP) meetings to ensure that the policy complies with the appropriate standards of Section 504 and Title II.

Reporting Requirement: **By August 12, 2019**, the District will provide to OCR a copy of the revised policy, confirmation of its publication, and demonstration of its dissemination to all District employees, including Exceptional Student Education staff and administrators, parents, and students. The revised policy will include an assessment of disability based on the Section 504 and the Title II definition, which is whether an individual has a physical or mental impairment that *substantially limits* a major life activity. Furthermore, a parent or guardian will not be required to provide their own recording device. The District can produce online documentation and links to currently available webpages.

Individual Remedy:

2. **By August 12, 2019**, the District shall provide to the Complainant via both certified mail and electronic mail a copy of the revised policy and a notification in writing that the District will permit the Complainant to record future IEP meetings for the Student.

Reporting Requirement: **By August 12, 2019**, the District shall provide to OCR a copy of the certified mail receipt, the email message, and the written notification to the Complainant informing her that she is allowed to record future IEP meetings consistent with Section 504 and Title II.

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff 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 regulations implementing Section 504 at 34 C.F.R. § 104.33 and the regulations implementing Title II at 28 C.F.R. § 35.130. 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 sixty (60) calendar days to cure the alleged breach.

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

Superintendent or Designee

Date

Printed Name and Job Title