

RESOLUTION AGREEMENT

Sarasota County School District (Florida) OCR Complaint # 04-20-1492

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Sarasota County School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the 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. § 794, and its implementing regulation, 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 issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II and its implementing regulations, the District voluntarily agrees to the following actions.

Priority Access to Designated Accessible Seating

Upon the effective date of this Agreement, the District will ensure that it provides priority access to the designated accessible seating at North Porth High School (School) gymnasium for persons with disabilities and their companions that is consistent with Section 504, Title II and the 2010 ADA Standards for Accessible Design, consisting of the requirements contained in 28 C.F.R. § 35.151 and the 2004 ADA Accessibility Guidelines at 36 C.F.R. part 1191, Appendices B and D (collectively, "2010 Standards")¹.

- a. The District will ensure that persons with disabilities and their companions have priority access to the designated accessible wheelchair and companion seating locations at the School gymnasium for all events; and,
- b. In order to ensure that persons with disabilities are aware of the availability of the designated accessible and companion seating at the School gymnasium, the District shall:
 - (i) publicize the availability and location of the wheelchair and companion seating on the School's website (<https://www.sarasotacountyschools.net/Page/2769>). The District's announcement will state that it prioritizes the wheelchair and companion seating for persons with disabilities and their companions.

¹ <https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm> (Last accessed 3/05/2021).

Reporting Requirement

By May 1, 2021, the District shall submit to OCR a copy or link to the announcement on the School's website that informs persons with disabilities and their companions of the priority availability of wheelchair and companion seating at the School gymnasium.

Training

By May 1, 2021, the District will provide training for School administrators, faculty and staff who are responsible for monitoring the School's gymnasium seating to ensure that persons with disabilities and their companions have priority to the designated accessible seating locations consistent with Section 504, Title II and the 2010 ADA Standards. The training shall be provided by a qualified individual with expertise in Section 504 and Title II, and will include, at minimum, information on Section 504's and Title II's requirements regarding the prohibition of discrimination against individuals with disabilities. The training shall specifically address the requirement to provide priority access for persons with disabilities and their companions to the designated accessible seating locations at the gymnasium.

Reporting Requirement

By May 31, 2021, the District will provide documentation to OCR demonstrating that the District completed the training described above. The documentation shall include: (1) the date of the training session; (2) dated sign-in sheets, including titles, of the School administrators, faculty and staff who participated in the training; (3) a description of the presenter's background and qualifications with respect to knowledge of implementation of Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

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 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 Section 504 implementing regulation at 34 C.F.R. §§ 104.21-23, and the Title II implementing regulation at 28 C.F.R. §§ 35.149-151 and § 35.133. 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.

/s/

3/12/21

**Superintendent or Designee
Sarasota County School District**

Date

Printed Name and Title