

Resolution Agreement
Bibb County School District, Georgia
OCR Complaint #04-15-1362

The Bibb County School District (District) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number #04-15-1362 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance 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 at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

Student-Focused Remedies

By September 21, 2015, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services during the 2014-2015 school year, including but not limited to: (i) extended time on classroom and standardized tests, (ii) small group testing setting, (iii) make-up work when the Student missed school due to his disability and instructional support to assist in completing the make-up work. If the group determines that compensatory services are required, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services for the Student with a completion date not to extend beyond January 25, 2016. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a) Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b) By January 25, 2016, the District will provide documentation to OCR showing the dates, times and locations that compensatory and/or remedial services were provided, a description of the services provided, and the name(s) of the service provider(s).

District Training

By January 25, 2016, the District shall initiate annual training for personnel working in the District's Section 504 and Special Education Departments. The training should include information which explains the process requirements for providing a Free Appropriate Public Education to students with a disability and ensuring that services are implemented from the beginning of each school year.

Reporting Requirement: By January 25, 2016, the District will provide OCR with a report confirming the initiation of the training sessions and describe: (a) the background and qualifications of the presenters/trainers; (b) a copy of the materials used for the training; and, (c) a roster with name(s) and title(s) of all personnel who completed the training.

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 Section 504 and its implementing regulation at 34 C.F.R. § 104.33, and Title II and its implementing regulation at 28 C.F.R. § 35.130, which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.33, and Title II and its implementing regulation at 28 C.F.R. § 35.130, which were at issue in 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.

Superintendent or designee

Date