

RESOLUTION AGREEMENT
Bibb County School District
OCR Complaint #04-19-1475
Atlanta Regional Office

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

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:

Action Item 1: Evaluation of the Student

1. By **January 31, 2020**, after providing proper written notice to the Student's parent(s), a group of knowledgeable persons, including the Student's parent(s), will convene to review the Student's current Individual Education Plan (IEP) and/or Section 504 Plan, to determine whether it is designed to provide the Student a free appropriate public education (FAPE) and revise the plan as necessary to ensure that Student is able to attend physical education and special or elective classes during the day even though he is receiving remediation per his Section 504 Plan or IEP. In making the above determinations, the District will ensure that it draws on all available and relevant information from a variety of sources; that this information is documented and carefully considered; and that the decision is made by a group of persons knowledgeable about the Student, his disabilities, the meaning of any evaluation data, and placement options. The District will maintain minutes and copies of documents considered in making the determinations described in this paragraph. Any plan developed as a result of this team's decision will clearly articulate the agreed upon related aids and services, who has responsibility for providing various related aids and services and as appropriate, how provisions of the plan should be implemented. The District will provide the Student's parent(s) notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By **February 28, 2020**, the District will submit to OCR documents demonstrating that the District has complied with this Action Item. The documentation submitted shall include documentation showing the participants in the meeting and the areas of knowledge of each participant; the information concerning the persons knowledgeable about the Student's disability and present IEP and/or Section 504 plan. The documentation will also include a copy of the plan(s) developed pursuant to this

Action Item, an explanation for the decisions made, and the information considered in reaching the team's determinations, including but not limited to, information about the Student's disabilities and his individual needs related to his disabilities.

Action Items 2 & 3: Determination for Compensatory Education

2. By **January 30, 2020**, after providing proper written notice to the Student's parent(s), a group of knowledgeable persons, including the parent(s), will determine whether the Student needs compensatory and/or remedial services for the 2018-2019 school year as a result of not receiving the related aids and services outlined in the Student's 504 Plan during the 2018-2019 school year.

Within a week of the meeting, if the group determines that compensatory and/or remedial educational services are needed, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **May 30, 2020**. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. The District will provide the Student's parent(s) notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By **February 28, 2020**, the District will submit to OCR documents supporting the group's decision. The submission 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.

3. By **May 30, 2020**, the District will provide any compensatory services referenced above.

REPORTING REQUIREMENT: By **June 15, 2020**, the District will provide OCR with applicable documentation demonstrating that the services were provided.

Action Item 4: Training

4. By **January 31, 2020**, the District will provide training for the Student's 2018-2019 and 2019-2020 teachers and Section 504 Counselors at the Schools, regarding the requirements of Section 504 and Title II to 1) provide the Student's parent(s) or legal guardian a notice of procedural safeguards; 2) to develop and implement a student's Section 504 Plan as written; 3) to communicate with students, parent(s), and legal guardians regarding progress of the Section 504 Plan goals; 4) to permit parent(s) and legal guardians to have meaningful input in the development of a student's Section 504 Plan or IEP; and 4) to avoid retaliation or harassment of individuals seeking redress under Section 504 and Title II. The training will also include an overview of the Student's current related aids and services listed in the Student's Section 504 Plan.

REPORTING REQUIREMENT: By **February 20, 2020**, the District will provide documentation to OCR demonstrating that the District provided the training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the participants; (3) a description of the presenter's background and qualifications with respect to knowledge 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 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 request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close OCR Complaint No. 04-19-1475.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulations(s). Before initiating such proceedings, 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 representative below.

Superintendent

Date