

**RESOLUTION AGREEMENT**  
**Bibb County School District**  
**OCR Complaint #04-19-1552**  
**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 allegation 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 Students and Determination for Compensatory Education**

1. By **March 9, 2020**, after providing proper written notice to each student's guardian/parent(s) impacted by this complaint, a group of knowledgeable persons, including the guardian/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 aid and service of small group testing outside of their classroom, outlined in each student's Section 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 29, 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 guardian/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 **April 13, 2020**, the District will submit to OCR documents supporting the group's decision for each student. The submission shall include documentation showing the participants in each 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 each student.

2. By **May 29, 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 2: Training**

3. By **February 20, 2020**, the District will provide training to the School's teachers and Section 504 Counselors, regarding the requirements of Section 504 and Title II in providing the small group testing accommodation.

**REPORTING REQUIREMENT:** By **February 28, 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. 04-19-1552.

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.

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**Superintendent (or designee)**

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**Date**