

**Resolution Agreement Reached During an Investigation**  
**Rim of the World Unified School District**  
**OCR Case Number 09-14-1058**

Rim of the World Unified School District (District), without admitting to any violation of law, agrees to implement this *Resolution Agreement Reached During an Investigation* to resolve the allegations raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

I. AR 6158

- A. The District will modify AR 6158 to clarify the process the District will use to approve or deny a short-term independent study request made on behalf of a student with an individualized education program (IEP). The modified AR 6158 will include the following:
1. A statement that students with disabilities will be provided an equal opportunity to participate in short-term independent study, consistent with their individual needs and the requirements of their IEPs.
  2. A definition stating that short-term independent study means independent study for up to ten school days.
  3. Clarification that, regardless of whether a short-term independent study request is pending, an IEP team may consider and document its determination of whether short-term independent study is appropriate for the student. If the IEP team determines that short-term independent study is appropriate, individuals requests for short-term independent study may be approved by an administrator through an IEP Amendment without convening an additional IEP team meeting while that IEP remains in place, unless the parent/guardian or the District team members believe at the time of the short-term independent study request that a change in the student's circumstances necessitates another IEP meeting to make that determination.
  4. A requirement that IEP teams consider the appropriateness of short-term independent study for a particular student based on that student's individualized needs and not based solely on the nature of the student's disability or the type, frequency, or duration of the student's special education and related aids and services.
  5. An expectation that the timing of District determinations to approve or deny short-term independent study requests should be comparable to the timing of its determinations to approve or deny such requests for general education students.

II. Training and Notice

- A. Once finalized and approved by the District's governing board, the District will distribute the modified AR 6158 to site and District-level personnel who regularly participate in independent study determinations and/or on IEP teams. The District will also take effective action, through training and/or written guidance, to ensure that these personnel understand and consistently implement the modified AR 6158.
- B. Once finalized and approved by the District's governing board, the District will take effective action on an ongoing basis to notify parents/guardians of students with disabilities of the modified AR 6158 and of their opportunity to raise the appropriateness of short-term independent study during their child's IEP meeting, even if no short-term independent study request is pending.

III. Reporting

- A. By October 15, 2014, the District will provide to OCR a draft of the modified AR 6158. OCR will review the changes and return it to the District with any questions or concerns within 15 business days of receipt. The District will work with OCR to address any questions or concerns, and will adopt, provide OCR with a final copy of, and fully implement the modified policy within 45 business days after receipt of OCR's response.
- B. Within 30 business days after the modified AR 6158 is finalized, the District will confirm to OCR that it has been distributed to relevant personnel, and will report the effective action that it has taken under section II.A. to ensure consistent implementation.
- C. Within 30 business days after the modified AR 6158 is finalized, the District will report to OCR the effective action that it has taken under section II.B. to notify parents/guardians of students with disabilities of the modified AR 6158 and of their opportunity to raise the appropriateness of short-term independent study during their child's IEP meeting.
- D. The District will take additional action under section II.A. or II.B. if OCR determines that the actions reported were not sufficient.

IV. Monitoring

- A. The District understands that by signing this Agreement it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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. §104.4(a) and (b), and Title II, at 28 C.F.R. §35.130(a) and (b), which were at issue in this case.

- B. 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 these regulations with respect to the issues raised by this complaint.
  
- C. 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.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna Kellogg  
Superintendent

\_\_\_\_\_  
09/09/2014  
Date