

**Resolution Agreement**  
**Sage Montessori Charter School**  
**Case No. 08-13-1273**

In order to resolve a potential compliance concern in Case Number 08-13-1273, filed against Sage Montessori Charter School (the School) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 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 (ADA), 42 U.S.C. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the School agrees to implement the following Resolution Agreement.

During the course of OCR's investigation, before OCR had made any findings regarding this potential compliance concern, the School indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint and the OCR Office Director believes that doing so is appropriate, so long as the remedies align with the allegations. The School's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such. Pursuant to Section 302 of OCR's *Case Processing Manual*, the School agrees to implement this Resolution Agreement and take the following actions:

1. The School will review and revise its Section 504 and Title II grievance procedures in accordance with 34 C.F.R. § 104.7(b) and 28 C.F.R. § 35.107(b) so that the grievance procedures incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging actions that would violate Section 504 or Title II. In addition, the procedures will stipulate that grievances are not required to be written; will specify how grievances will be investigated and will provide an adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; will indicate that confidentiality will be maintained; will prohibit retaliation; will include appropriate and reasonably prompt timeframes for major steps in the investigation and appeal process; and will provide notice to the parties of the outcome of the complaint, and when appropriate, an assurance that the School will take steps to prevent the recurrence of any discrimination and to correct discriminatory effects on the complainant and others. In addition, the procedures will make clear that the grievance procedures apply to complaints alleging discrimination by employees, other students, or third parties, and the procedures will include definitions and examples of what types of actions may constitute disability discrimination including different treatment and harassment.

**REPORTING REQUIREMENT:**

- By March 31, 2014, the School will provide for OCR's review and approval a copy of the revised grievance procedures required by Term 1.
2. Within 30 days of OCR's approval of the grievance procedures required by Term 1, the School will adopt and publish the approved grievance procedures. Publication must include the School's handbook and its website. The School will also provide a copy of the approved grievance procedures in Term 1 to all School staff, teachers, and administrators.

**REPORTING REQUIREMENT:**

- Within 30 days of OCR's approval of the grievance procedures in Term 1, the School will provide proof that it was adopted and published, and that staff received notice of the revised grievance procedures approved by OCR.
3. After OCR's approval of the grievance procedures in Term 1, the School will draft training materials for OCR's review. After receiving OCR's approval of those training materials, the School will provide annual training to all School staff, teachers, and administrators on the content, requirements, and application of the approved grievance procedures, including information about the School's responsibility to comply with Section 504 and Title II, which prohibit discrimination and harassment on the basis of disability.

**REPORTING REQUIREMENT:**

- Within 30 days of the approval of the policies and procedures in Term 1, the School will provide OCR with a copy of the proposed training materials and identification of the trainer for OCR's review and approval.
  - Within 60 days of OCR's review and approval of the training materials, the School will document that it provided the training required in Term 3 and will provide a copy of the agenda for the training, the related handouts provided during or before the training, a sign-in sheet from the training, and written assurance that all required attendees attended the training.
4. The School will review and, if necessary, revise its notice of nondiscrimination and designation of Section 504 and Title II coordinator in accordance with 34 C.F.R. § 104.8 and 28 C.F.R. § 35.107. The notice of nondiscrimination will include specific contact information for the coordinator, including the coordinator's title, office address, telephone number, and email address.

**REPORTING REQUIREMENT:**

- By March 31, 2014, the School will provide for OCR's review and approval a copy of the notice of nondiscrimination as required by Term 4.
5. Within 30 days of OCR's approval of the notice of nondiscrimination required by Term 4, the School will take action to appropriately publish and disseminate its notice of nondiscrimination to current and prospective students and families in a manner consistent with 34 C.F.R. § 104.7 and 28 C.F.R. § 35.106.<sup>1</sup>

**REPORTING REQUIREMENT:**

- Within 30 days of OCR's approval of the notice of nondiscrimination in Term 4, the School will provide documentation to OCR demonstrating that it has appropriately published and disseminated its notice of nondiscrimination. Further, the School will work with OCR in a timely manner to address any deficiencies noted by OCR related to the School's publication and dissemination of its notice of nondiscrimination.

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<sup>1</sup> Additional guidance on notices of nondiscrimination and methods of notification can be found at: <http://www.ed.gov/ocr/docs/nondisc.html>.

The School 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 School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

The School understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and their implementing regulations at 34 C.F.R. §§ 104.7 and 104.8 and 28 C.F.R. §§ 35.106 and 35.107, which were at issue in this case.

The School 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 School understands that during the monitoring of this agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and their implementing regulations, which were at issue in this case.

/s/ \_\_\_\_\_

2/26/14 \_\_\_\_\_

Name \_\_\_\_\_

Date

Title \_\_\_\_\_

Sage Montessori Charter School