

**Resolution Agreement**  
**Sage Montessori Charter School**  
**OCR Complaint # 08-17-1026**

In order to resolve an allegation in Case Number 08-17-1026, filed against the Sage Montessori Charter School (School) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the School voluntarily agrees to implement the following Resolution Agreement. The complaint was opened to investigate allegations that the School failed to comply with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively. Section 504 and Title II and their implementing regulations prohibit, respectively, discrimination on the basis of disability by recipients of federal financial assistance from the U.S. Department of Education and by public entities. Specifically, the School voluntarily agrees to enter into this Resolution Agreement to resolve the allegation that it did not provide FAPE to students with disabilities during the 2015-16 school year and associated record keeping deficiencies.

This agreement shall not in any way be construed as an admission by the School that it has acted wrongfully or violated any laws, nor shall it be construed as a finding by OCR that the School has acted wrongfully or violated any laws.

**Letter for File**

1. The School will draft a letter to be placed in the file of each student with an individualized education plan (IEP), which will be maintained by a custodian after the School closes, indicating that the New Mexico Public Education Department and OCR noted deficiencies in the School's record-keeping and advising that any school in which the student enrolls may wish to review the IEP.

**REPORTING REQUIREMENTS:** By April 30, 2017, the School will provide OCR with a template copy of the letter it plans to include in each student's file. The School will respond to any feedback OCR provides regarding the letter.

**REPORTING REQUIREMENTS:** By May 31, 2017, after OCR has approved the letter, the School will provide an affidavit from the Head of School averring that he has personally reviewed the file of each student with an IEP to ensure that the letter described in this item has been included in that student's education file.

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

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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 the regulations implementing Section 504 and Title II, at 34 C.F.R. §§ 104.33 and 104.35 and 28 C.F.R. § 35.130(a), which were at issue in this case.

The School understands that OCR will not close the monitoring of this agreement until OCR determines that the School has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. §§ 104.33 and 104.35 and 28 C.F.R. § 35.130(a), which were at issue in this case.

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 sixty (60) calendar days to cure the alleged breach.

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For the School

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Date