



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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September 29, 2017

Mr. Chris Gdowski, Superintendent  
Adams County School District 12  
1500 East 128th Avenue  
Thornton, Colorado 80241-2602

Re: Adams County School District 12  
OCR Case Number: 08-17-1155

Dear Superintendent Gdowski:

On August 23, 2017, Adams County School District 12 ("District") and Stargate Charter School ("School") voluntarily entered into a Resolution Agreement ("Agreement") with the Office for Civil Rights (OCR) of the U.S. Department of Education ("Department") to resolve allegations raised under Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act of 1990 ("Title II"), and their implementing regulations, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and public entities, respectively. The District and School (collectively, "the Recipients") agreed to report to us on their progress regarding implementing the Agreement.

We received the Recipients' first monitoring reports on September 22, 2017. This letter summarizes the relevant provisions of the Agreement, the Recipients' submissions, and our comments regarding next steps.

Term I: Staff Training

- A. *Within thirty (30) calendar days of this Agreement being signed, the School will submit to OCR for review and approval a list of all School board members and staff who are or may be involved in recruitment and admissions of students, including, but not limited to, all board members and staff who: interact with parents and guardians of prospective students (e.g., answering phone or email inquiries, or staffing open houses or open enrollment/school choice events); receive, review, evaluate, and decide upon applications for admissions; issue admissions decisions; or hear appeals of admissions decisions. For each board member and staff member listed, the School will provide:*
- i. *First and last name;*
  - ii. *Title or position; and*
  - iii. *A brief description of the individual's role(s) in the School's admissions process.*
- B. *Within thirty (30) calendar days of this Agreement being signed, the District will submit to OCR for review and approval a list of all staff who are involved in recruitment and admissions of students to the School.<sup>1</sup> For each staff member listed, the District will provide:*

<sup>1</sup> For example, staff in the District's Admissions Department and Learning Services Department who speak with parents about admission to the School.

- i. *First and last name;*
  - ii. *Title or position; and*
  - iii. *A brief description of the individual's role(s) in connection with admissions to the School.*
- C. *The Recipients will respond to OCR's concerns, if any, about the lists provided to OCR pursuant to Term I(A) and Term I(B) of this Agreement until OCR considers the concerns resolved and issues final approval of the lists.*

In its monitoring report, the District wrote:

I am writing to advise that no Adams 12 staff members are currently involved in recruitment or admissions of Stargate School ("Stargate"). There does exist a potential, narrow, and primarily advisory role for District staff in this regard. Pursuant to Section 6.6 of the Adams 12-Stargate charter contract, Stargate is impliedly required to provide notice to and invite an Adams 12 representative to screening meetings when a Stargate student applicant has "an IEP or Section 504 Plan" that indicates "mild/moderate needs," "intensive service needs," or placement in a "center-based program." In recent history dating back several years, no Adams 12 representatives have participated in any such SPED/Section 504 admissions meetings, and Adams 12 is not aware of Stargate ever having provided the requisite notice or invitation to Adams 12 staff regarding such meetings. Moreover, the role of the Adams 12 representative does not include the authority to overrule the decisions of Stargate representatives at those meetings.

In an email to OCR on September 29, 2017, the District agreed to send Katrina Fernandez, the District's Student Support Services Coordinator, to the training. According to the District's attorney, Ms. Fernandez has been and will continue to be the District staff member most likely to work with the School related to special education matters.

The School provided, in its report, a table listing the names, titles, and responsibilities of 15 individuals involved in admissions. The individuals included the Admissions Coordinator, Executive Administrative Assistant, Executive Director, Secondary Principal, Elementary Principal, and Secretary, as well as six members of the Governing Board.<sup>2</sup> We compared the individuals listed in the table to the list of staff Governing Board members on the School's website. **We approve the list of individuals who will be trained pursuant to Term I.**

**Terms I(A)-(C) have been fulfilled and no further reporting is required.**

*Term I: Staff Training*

- D. *Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval:*
- i. *Draft materials to train all individuals on the lists approved pursuant to Term I(C) of this Agreement about disability discrimination, including, at a minimum, prohibited different treatment of students with disabilities in recruitment, admissions, and enrollment, including training on how staff will properly respond to oral and written inquiries from parents*

<sup>2</sup> The School also listed a private attorney who is responsible for attending the lottery and certifying that it is conducted in accordance with the School's Admissions Policy. We do not expect the attorney to participate in the training.

- regarding the School's willingness or ability to admit and serve students with disabilities; and*
- ii. *The name(s), title(s) or position(s), and qualifications of one or more proposed individuals to provide the training to staff.*

Term II: Admissions Webpages and Materials

- A. *Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval revised public admissions webpages and documents (including documents available online and/or in hardcopy format), including applications for admissions. The revised webpages and documents will:*
- i. *Include a statement that the School does not discriminate on the basis of disability in recruitment and admissions;*
- ii. *Include the name, title, and contact information (i.e., mailing address, phone number, and email address) for the School's Section 504/Title II Coordinator;*
- iii. *Include the name, title, and contact information for an individual whom parents may contact if they suspect disability discrimination in admissions and enrollment, if different from the Section 504/Title II Coordinator; and*
- iv. *Not include any requests for information or documents related to disability, including application questions about whether a student has a disability, individualized education program (IEP), or Section 504 plan, or requests for special education records.<sup>3</sup>*

Term III: Policy Revisions

- A. *Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval a revised "Community Handbook" that adds language to the "Mission, Goals, and Objectives" section indicating that the School does not discriminate against students with disabilities in recruitment or admissions.<sup>4</sup> This notification will be developed in accordance with the requirements of Section 504 at 34 C.F.R. Section 104.8.*

Term IV: Guidance

- A. *Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval written guidance designed to ensure non-discrimination in the enrollment of students with disabilities.<sup>5</sup> The guidance will include:*
- i. *A statement that the School will not deny enrollment to, un-enroll, or otherwise transfer or remove an admitted student solely based on the student having a disability or a specific type of disability, or needing a particular disability-related service, accommodation, or modification;*
- ii. *A statement that the rare decision to change the educational placement or educational setting (i.e., location of a student's school or program) of a student with a disability will be made on an individualized, case-by-case basis;*
- iii. *A statement that, if the School believes that it cannot provide a student with a free appropriate public education (FAPE), after having attempted in good faith to provide the*

<sup>3</sup> Among the revisions, the School will add language about students with disabilities to its Admissions "Frequent Questions and Answers" webpage.

<sup>4</sup> The new language will be added to the section titled, "Special Education Program(s)."

<sup>5</sup> The School may choose to submit a policy or regulation in lieu of written guidance.

*student with a FAPE, and thus believes there is a need to explore other educational placements or settings, the School will:*

- a. Convene a meeting with a team of persons knowledgeable about the Student (including the Student's parents), the evaluation data, and the placement options;*
- b. Provide the student's parents with a meaningful opportunity to provide input into the determination, notice of the determination made, and notice of the procedural safeguards available to them under 34 C.F.R. Section 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree; and*
- iv. A statement that, if a student with a disability is moved to another school or program for reasons related to the provision of FAPE, the School will ensure that the specific rationale for the move and the parent's input are documented in the student's educational file.*

**Please remember that the School must fulfill Terms I(D) II(A), III(A), and IV(A) by October 23, 2017 (i.e., within sixty (60) calendar days of the Agreement being signed).**

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will protect personal information to the extent provided by law.

We appreciate the Recipients' continued cooperation in this matter. If you have any questions regarding this letter or the monitoring of this case, please contact the assigned attorney, Jason Langberg, at (303) 844-6299 or [jason.langberg@ed.gov](mailto:jason.langberg@ed.gov).

Sincerely,



Angela Martinez-Gonzalez  
Supervisory General Attorney

- cc: Josh Cochran, Executive Director of the School (via email)  
Walt Kramarz, Deputy General Counsel for the District (via email)  
William Bethke, Attorney for the School (via email)  
Jacque Phillips, Attorney for the Student (via email)