

Resolution Agreement
Adams County School District 12 and Stargate School
OCR Case Number 08-17-1361

Adams County School District 12 (“District”) and Stargate School (“School”)¹ 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 or the School (collectively, “Recipients”). The Recipients assure OCR that they will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (“Title IX”), 20 United States Code (U.S.C.) Section 1681, and its implementation regulations, at 34 Code of Federal Regulations (C.F.R.) Part 106; Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 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 (“Title II”), 42 U.S.C. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35.

1. The School’s Board will administer a staff climate survey to assess staff perceptions of the retaliation at the School, including the presence and impact of any actual or perceived retaliation and suggestions for how to eliminate any actual or perceived retaliation. Based on the results of the climate survey, the Board will consider whether any further revisions to its nondiscrimination (including non-retaliation) policies, practices, or procedures, additional staff training, or other remedial measures are appropriate. If the Board determines that any remedial measures are appropriate, it shall take such measures no more than 90 days after the administration of the climate survey.

REPORTING REQUIREMENT A: By December 31, 2017, the Board will submit, for OCR review and approval, its proposed climate survey instrument; a list of all staff, by name and job title, to whom the survey will be administered; and a description of how and when the survey will be administered, including the identity of the person compiling the survey results. The Board will fully and promptly address any comments by OCR as to these documents and will continue to modify them until it receives final OCR approval.

REPORTING REQUIREMENT B: Within 15 days of OCR’s approval of the above, the Board will administer the climate survey to staff, providing a period to respond of no fewer than 7 days. Within 45 days of the conclusion of the survey administration period, the Board will provide (1) the District a copy of the survey results, and (2) OCR documentation of (a) the survey results and (b) the Board’s determination as to whether any further revisions to its nondiscrimination (including non-retaliation) policies, practices, or procedures, additional staff training, or other remedial measures are appropriate, and if so, a description of those measures, including a timeline for implementation, which shall be no longer than 90 days after the administration of the climate survey. The Board will fully and promptly address any comments by OCR as to

¹ The School is governed by a Governance Board (Board). “School,” as used throughout this Agreement, means the Board. The Board will have ultimately responsibility for implementing all terms, and is also specifically named with respect to Term 1 to emphasize that the Board shall be the entity implementing Term 1.

the remedial measures and will continue to modify the remedial measures until it receives final OCR approval.

REPORTING REQUIREMENT C: Within 15 days of the last of any remedial measures being implementing, the Board will provide OCR documentation of its efforts to implement the remedial measures.

2. The School will create a written policy and procedure through which staff may file complaints of discrimination, including retaliation. The policy and procedure will provide for notice of the policy and procedure to staff, including where to file complaints; application of the policy and procedure to complaints alleging discrimination by staff, students, or third parties; adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; designated and reasonably prompt timeframes for major stages of the complaint process; written notice to the parties of the outcome of the complaint; and an assurance that steps will be taken to prevent recurrence of any discrimination and to correct its effects. The policy and procedure will also provide that the District will be notified of any complaints filed pursuant to the School's policy and procedure.

REPORTING REQUIREMENT A: By December 31, 2017, the School will submit, for OCR review and approval, its revised policies and procedures. The School will fully and promptly address any comments by OCR as to the procedure and will continue to modify the procedure until it receives final OCR approval.

REPORTING REQUIREMENT B: Within 15 days of OCR's approval of the procedure, the School will disseminate the procedure to staff. Within 30 days of OCR's approval of the procedure, the School will provide OCR documentation of its efforts to disseminate the procedure, including via email and any websites used to disseminate information to staff.

3. The Recipients will report to OCR on all reports, grievances, or complaints from staff of discrimination, including retaliation (including those received pursuant to its revised grievance procedure) and the Recipients' response(s).

REPORTING REQUIREMENT: By May 31 and December 31, 2018, the Recipients will provide OCR, for OCR's approval, a description of, and any documents related to, all reports, grievances, or complaints from staff (including those received pursuant to its revised grievance procedure) and the Recipients' response(s). OCR will review such documentation. The Recipients will promptly respond to OCR's concerns, if any, until OCR considers them resolved.

4. The School will revise its *Staff Handbook* to include a notice of nondiscrimination, notice of the revised procedure through which staff may file complaints of discrimination, including retaliation, and effective notice of the School's Title IX, Section 504, and Title II Coordinator(s), including at a minimum the name(s), title(s) or position(s), phone number(s), email address(es), and mailing address(es) of each coordinator.

REPORTING REQUIREMENT A: Within 15 days of OCR's approval of the revised procedure through which staff may file complaints of discrimination, including retaliation, the School will submit, for OCR review and approval, its revised *Staff Handbook*. The School will fully and promptly address any comments by OCR as to the handbook and will continue to modify the handbook until it receives final OCR approval.

REPORTING REQUIREMENT B: Within 15 days of OCR's approval of the handbook, the School will disseminate the handbook to staff. Within 30 days of OCR's approval of the handbook, the School will provide OCR documentation of its efforts to disseminate the handbook including via email and posting on any websites used to disseminate information to staff.

5. The School will provide training to all staff, including administrators, teachers, and related service providers, addressing:
 - a. The fact that retaliation is a prohibited form of discrimination;
 - b. The School's prohibitions against retaliation, including its revised grievance procedure;
 - c. Examples of prohibited retaliation; and
 - d. Ways to avoid engaging in prohibited retaliation.

REPORTING REQUIREMENT A: Within 90 days of this Agreement, the School will provide OCR, for OCR's approval, its draft training materials; identify who will be providing the training, by name, title, and qualifications; and provide a list of personnel required to participate in the training, by name and title. The School will fully and promptly address any comments by OCR and will continue to modify the materials, trainers, or personnel list until it receives final OCR approval.

REPORTING REQUIREMENT B: Within 60 days of OCR's approval, the School will provide documentation demonstrating that the training was provided and a copy of the training sign-in sheets.

6. The School will provide the following individual remedies to the Complainant:
 - a. The School will timely respond to all inquiries from prospective employers in a manner consistent with the Complainant's reference letter from the Elementary Principal dated April 4, 2017 and from the Director of Professional Development dated May 2, 2017. All reference requests shall be directed, by the Complainant and School, to the Elementary School Principal or her successor.
 - b. The School will refund to the Complainant \$3,000 representing her annual health insurance deductible.
 - c. The School will provide a payment to the Complainant representing lost wages in the gross amount of \$25,667, less applicable withholdings, which the School will report to the Internal Revenue Service as wage income to the Complainant on a Form W-2.

REPORTING REQUIREMENT A: By May 31 and December 31, 2018, the School will provide OCR, for OCR's approval, a list of all reference checks for the Complainant received during the relevant time period and a description of the School's response. The School will also provide OCR, for OCR's approval, all documents relating to such reference checks.

REPORTING REQUIREMENT B: By December 31, 2018, the School will provide OCR with documentation that it has made the payments to the Complainant provided in Terms 6(b) and 6(c).

The Recipients understand and acknowledge 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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the Recipients written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Recipients understand that by signing this Agreement, they agree to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement.² Further, the Recipients understand that, during the monitoring of this Agreement, if necessary, OCR may visit the Recipients, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Recipients have fulfilled the terms of this Agreement and are in compliance with Title IX, Section 504, Title II, and their implementing regulations. Upon completion of the obligations under this Agreement, OCR will close this case.

For Adams County School District 12:



Christopher E. Gdowski, Superintendent



Date

For Stargate School:



Jan Kulmann, Governance Board President

12/21/17

Date

² The School will simultaneously provide to the District a copy of each its filings/proposals/submissions and monitoring reports to OCR.