



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

March 4, 2016

(b)(6); (b)(7)(C)

Re: Adams Public School District 12
Case Number: 08-16-1167

Dear (b)(6); (b)(7)(C):

On February 5, 2016, we received your complaint of discrimination concerning your son, a student with a disability.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

Our review of the correspondence you submitted to OCR, and for which we initially determined constituted a complaint, showed that the correspondence is actually a District 504 discrimination complaint form. The form is dated February 1, 2016 and under the "Complaint is" field you state you had been denied a 504 plan "review;" the informal plan in place was not being followed; and when you pushed for a meeting you were yelled at, your son was attacked, and you would have to find a new school.

Pursuant to Section 110(a) of our Case Processing Manual, we will dismiss a complaint when we learn that the same allegations have been filed against the same recipient with another Federal, state, or local agency, or through a recipient's internal grievance procedures, including due process proceedings, and we anticipate that there will be a comparable resolution process under comparable legal standards (*i.e.*, all allegations will be investigated, appropriate legal standards will be applied, the same remedies are available to you, and remedies secured will meet our standards). Because the correspondence is merely a courtesy copy of a complaint you filed with the District, we anticipate that you will receive a comparable resolution process under comparable legal standard. We are therefore dismissing your complaint effective the date of this letter.

You may re-file your complaint within 60 days of the completion of the District's action. Generally, we will not conduct our own investigation; instead, we review the results of the other

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entity's determination and determine whether it provided a comparable process and met appropriate legal standards.

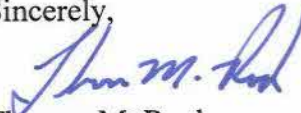
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event OCR receives such a request, we will seek to protect, to the extent provided by law, any unwarranted invasion of privacy.

Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law.

If you have any questions, you may contact Mr. Daniel Kowalski, the Equal Opportunity Specialist assigned to this case at (303) 844-4537, or me at (303) 844-5927.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas M. Rock".

Thomas M. Rock
Supervisory General Attorney

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Withheld pursuant to exemption

(b)(6); (b)(7)(C)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6); (b)(7)(C)

of the Freedom of Information and Privacy Act

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May 16, 2016

(b)(6); (b)(7)(C)

Re: **Adams 12 Five Star Schools**
OCR Case Number **08-16-1256**

Dear (b)(6); (b)(7)(C):

On March 28, 2016, we received the above-referenced complaint of retaliation against Adams 12 Five Star Schools. The Complainant alleged the District discriminated against her son based on disability. Specifically, she alleged the District discriminated by failing to follow appropriate evaluation and placement procedures for her son (the Student) to address his disability during the 2015-2016 school year. Further, the Complainant alleged that staff at Stargate Charter School retaliated against her and the Student after she complained about the need for a Section 504 plan for the Student, including, but not limited to, inappropriately confronting the Complainant, and by calling the Student names.

We are responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Additionally, individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 and Title II are protected from intimidation or retaliation by 34 C.F.R. § 104.61, which incorporates 34 C.F.R. § 100.7(e), and 28 C.F.R. § 35.134, respectively.

We explained to you and the District that the parties may voluntarily agree to resolve the allegations that OCR accepted for resolution through an Early Complaint Resolution Process (ECR). Both parties were willing to proceed with this process. We met with the parties on May 16, 2016, to facilitate this process and both parties reached an agreement resolving the allegations that OCR accepted for resolution. Accordingly, OCR is closing this case effective the date of this letter.

Pursuant to OCR's Case Resolution Manual, OCR will not monitor the agreement between you and the District, but, if a breach occurs, you have the right to file another complaint. If a new complaint is filed, OCR will not address the alleged breach of the agreement. Instead, OCR's Office Director, in consultation with the Enforcement Director, will determine whether to investigate the original allegation. When making this determination, the Office Director will consider the nature of the alleged breach, its relation to any alleged discrimination and any other factors as appropriate. To be considered timely, the new complaint must be filed either within 180 days of the date of the original discrimination or within 60 days of the date you obtain information that a breach occurred, whichever date is later.

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Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information, which if released, could constitute an unwarranted invasion of privacy.

Individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 and Title II from intimidation or retaliation by 34 C.F.R. § 104.61, which incorporates 34 C.F.R. § 100.7(e); and 28 C.F.R. § 35.134, respectively.

We appreciate you bringing this matter to our attention. If you have questions, please contact Thomas M. Rock, Supervisory General Attorney, at 303-844-5927, or me at 303-844-4488.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Ramsey". The signature is fluid and cursive, with a long, sweeping tail on the last name.

ECR Facilitator

cc: Jack Robinson, Esq.
Spies, Powers & Robinson, P.C.
1660 Lincoln Street, Suite 2220
Denver, Colorado 80264

RECEIVED
DEPT OF EDUCATION/DENVER

2016 MAR 29 AM 8:24

08-16-1256

(b)(6); (b)(7)(C)

Mr. Daniel Kowalski
Equal Opportunity Specialist
OCR Case 08-16-1167
1244 Spear Blvd STE310
Denver, CO 80201

Dear Mr. Daniel Kowalski:

I am contacting you to re-file my complaint # 08-16-1167. I have spoken with (b)(6); (b)(7)(C) at CDE who encouraged me to renew the complaint with additional details not included in the original documents, specifically retaliation by the staff of Stargate School against my 9 year old son. A detailed list of events is enclosed.

Presently, my son is at home. The Superintendent's office of Adams 12 has moved the complaint to the District 12 office, who gave the complaint to the Star Gate Governance Board who in turn found themselves free of any harm. After creating the 504 plan (inc) my son returned to school. The first day he was made to go without eating. The second I received no less than 16 emails from the school reporting any manner of behavior, had my son suspended after being assaulted by another child and acting in self-defense and then had the school refuse to release him to my care, and when I went to get him from the office, the Principal demanded that I "listen to him" despite my request that we meet at a time when I had someone with me (he has verbally attacked me twice in the past), and then had him chase me to my car. My son is not safe at the school.

The neighborhood school is unable to meet his twice exceptional needs, which was why we placed him at a gifted school that ensured us that they were the best choice. All schools in our area, including online public options, have closed their enrollments for the year. Requests for extension of deadlines so that we might find a school for him have been declined. Requests for Homebound services were declined because the Superintendent's office stated my son was "not disabled enough."

Mr. Daniel Kowalski

[Date]

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I am working with (b)(6); (b)(7)(C) with ARC Adams County.

Please review the attached. Additional documents are available should you need them. My goal now is simply to get my son into a safe school environment where he can thrive. My son is receiving ongoing outside psychological support due to the emotional effect that these events have had on him.

Though I have made calls to numerous people at all levels, none are returned.

(b)(6); (b)(7)(C)

Resolution Agreement
OCR Case Number 08-16-1256

This Resolution Agreement is entered into to resolve the allegations asserted by (b)(6); (b)(7)(C) ("the Complainant) on behalf of her son (b)(6); (b) ("the Student"), against Adams 12 Five Star Schools ("the District"), and Stargate School ("the School") in her complaint to the U.S. Department of Education, Office for Civil Rights (OCR), case number 08-16-1256. The parties discussed the allegations on May 16, 2016, and agree to a full resolution of the Complainant's claims brought before OCR. Specifically, the parties agree and declare the following:

1. Upon receiving the full psychological evaluation provided by the Complainant, the District will initiate the process to determine whether the Student is eligible for special education services and an individual educational program (IEP).
 - a. The District will complete the evaluation within 60 days as required by law.
 - b. The District's eligibility and IEP team will consist of a group of people knowledgeable about the Student, including staff at Stargate School.
 - Staff from the School may include any of the Student's second grade teachers and his third grade literacy teacher.
 - c. If determined eligible, the IEP team will decide an appropriate placement.
2. By August 31, 2016, the School will provide training to staff on Twice Exceptionality.
 - a. Within one week of completing this training, the School will send the Complainant a copy of staff sign-in sheets and training materials used.

Authority. The Parties represent that they have full and sole authority to settle all claims associated with this Agreement.

No Admission of Wrongdoing. This Settlement Agreement is not an admission that any party to this agreement engaged in any wrongdoing, wrongful, improper or unlawful conduct, misfeasance or malfeasance nor shall it be admissible in any proceeding for any purpose other than to enforce the terms of this agreement.

Resolution Agreement
OCR Complaint Number 08-16-1256
Page 2 of 2

RESOLUTION OF COMPLAINT. This Agreement resolves all allegations raised in OCR Complaint No. 08-16-1256.

DATED: May 16, 2016

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) for herself and on behalf
of (b)(6); (b)(7)(C)

ADAMS 12 FIVE STAR SCHOOLS



By Mr. Craig Hein
Staff Attorney

STARGATE SCHOOL



By Mr. Josh Cochran
Executive Director



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REGION VIII
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May 16, 2016

Christopher E. Gdowski, Superintendent
Adams 12 Five Star Schools
1500 East 128th Avenue
Thornton, CO 80241-2601

Re: **Adams 12 Five Star Schools**
OCR Case Number 08-16-1256

Dear Superintendent Gdowski:

On March 28, 2016, we received the above-referenced complaint of retaliation against Adams 12 Five Star Schools. The Complainant alleged the District discriminated against her son based on disability. Specifically, she alleged the District discriminated by failing to follow appropriate evaluation and placement procedures for her son (the Student) to address his disability during the 2015-2016 school year. Further, the Complainant alleged that staff at Stargate Charter School retaliated against her and the Student after she complained about the need for a Section 504 plan for the Student, including, but not limited to, inappropriately confronting the Complainant, and by calling the Student names.

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date of the original discrimination or within 60 days of the date the complainant obtains information that a breach occurred, whichever date is later.

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As noted above, individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 or Title II are protected from intimidation or retaliation.

We would like to thank you for your attention to this matter. If you have questions, please contact Thomas M. Rock, Supervisory General Attorney, at 303-844-5927, or me at 303-844-4488.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Ramsey", with a long, sweeping horizontal stroke extending to the right.

ECR Facilitator

cc: Kristin A. Kutz, Esq.
Kutz & Bethke LLC
363 S. Harlan St., Ste. 104
Lakewood, CO 80226

Craig Hein
Staff Attorney
Adams 12 Five Star Schools
1500 E. 128th Avenue
Thornton, Colorado 80241