



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

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June 29, 2018

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

Via email only to chris.gdowski@adams12.org

Re: **Adams County School District 12**
OCR Case Number: 08-17-1353

Dear Superintendent Gdowski:

On December 1, 2017, Adams County School District 12 and Stargate School (collectively "the Recipients") voluntarily entered into a Resolution Agreement ("Agreement") with the Office for Civil Rights (OCR) of the U.S. Department of Education ("Department") to resolve an allegation raised under Title IX of the Education Amendments of 1972, and its implementing regulation, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance from the Department. The Recipients agreed to report to us on its progress regarding implementing the Agreement.

Specifically, the Agreement resolves the allegation that the School failed to promptly and equitably respond to a report that a student at the School sexually assaulted another student at the School. Additionally, the Agreement resolves the School's violations of Title IX's procedural requirements that OCR identified during the course of our investigation.

We received the School's most recent monitoring report on June 22, 2018. This letter provides the provisions of the Agreement, a summary of the School's submission, and our comments regarding next steps.

Term I: Title IX Coordinator(s)

In our June 7, 2018 monitoring letter, we wrote, "By August 31, 2018, please provide OCR a written update on the School's search for a permanent Title IX Coordinator."

Term II: Staff Training

In our May 18, 2018 monitoring letter, we approved the presentation. In our June 7, 2018 monitoring letter, we wrote, "Please remember to fulfill Terms II(D)-(E) in August 2018, as agreed upon."

Term III: Title IX Complaint Form

In our June 7, 2018 monitoring letter, we wrote, "By August 31, 2018, please provide OCR with a copy of the revised Community Handbook that includes the Report Form (pursuant to Term III(C)(ii))."

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Term IV: Services and [REDACTED]

In our June 7, 2018 monitoring letter, we wrote, "No further reporting on Term IV is required."

Term V: Additional Reporting to OCR

- A. By June 22, 2018, the Recipients will submit to OCR all reports, grievances, or complaints (including those utilizing the Report Form) regarding peer-on-peer sexual harassment among School students, if any, whether oral or written, from December 1, 2017 to May 31, 2018, as well as the Recipients' response(s).
- B. OCR will review the reports, grievances, and complaints, if any, and the Recipients' response(s). The Recipients will promptly respond to OCR's concerns, if any until OCR considers them resolved.
- C. By January 25, 2019, the Recipients will submit to OCR all reports, grievances, or complaints (including those utilizing the Report Form) regarding peer-on-peer sexual harassment from students, parents, and guardians, if any, whether oral or written, from August 1, 2018 to December 31, 2018, as well as the Recipients' response(s).
- D. The Recipients will promptly respond to OCR's concerns, if any, about the reports, grievance, or complaints, and the Recipients' responses, until OCR considers the concerns resolved.

In its June 18, 2018 monitoring report, the School provided a report regarding peer-on-peer sexual harassment among School students. Two of the incidents appear to rise to the level of sexual harassment. The following table provides a summary of the reports:

[REDACTED]	<ul style="list-style-type: none"> • Notified [REDACTED] "of informal vs. formal options" • Asked [REDACTED] what action the School should take¹ • Notified [REDACTED] parent of the report • Notified [REDACTED] parent of the report • Told [REDACTED] "to not engage with" [REDACTED] • Issued a [REDACTED]
[REDACTED]	<p>The Elementary Principal "made a report to Adams County CPS and followed up with the student and others that witnessed the behavior. The student was [REDACTED]"</p>

In our June 19, 2018 monitoring letter, we wrote:

Within ten (10) calendar days of the date on this letter, please submit to OCR a copy of all records relating to the incident involving [REDACTED], including, but not limited to:

- written statements from students and staff;
- interview notes and statements;
- discipline records for all students involved;

[REDACTED] reported that [REDACTED] that further interactions would lead to police referral."

- The Principal spoke to "the entire 3rd/4th grade team" to notify them of the situation, remind them to be diligent while on playground duty, and ask them to monitor all four students once they returned to ensure they were engaging in appropriate school activities.
- The Principal filed a report, via phone, regarding [REDACTED] with Adams/Broomfield County Department of Social Services (DSS).

The Principal reported the following developments on subsequent days:

- On April 18, 2018, the Principal contacted DSS regarding [REDACTED]
- On April 19, 2018, the Principal had re-entry meetings with [REDACTED] and their parents. The Principal reminded them of the School's expectations and notified them that the School's [REDACTED] would be meeting with the [REDACTED]
- On April 19, 2018, before lunch recess, the Principal met with all of the recess and lunch paraprofessionals to notify them of the situation and ask them to keep an eye on the students involved. The Principal also asked [REDACTED] to take a break from the far end of the soccer field for a while since that is where most of the incidents took place.
- On April 20, 2018, an administrative assistant at Stargate faxed forms about the DSS reports to the District.

The Principal wrote:

As the investigation progressed, I included ... the elementary school counselor, in on the process and what had been discovered. [REDACTED] was present for the re-entry meetings and also provided support for the students after they returned to school. [The [REDACTED] also provided support for [REDACTED] and completed several check-ins with the students for the remainder of the school year. ... [The School] plans to continue providing [REDACTED]

Finally, the Principal wrote, "I would like it noted that this was the first behavior incident for [REDACTED] and [REDACTED] since attending [the School]."

We followed up with the District to understand its involvement, if any, in the situation involving [REDACTED]. The District reported that, prior to receiving a copy of the School's monitoring report to OCR, the only information the District had was the two sentence descriptions on each DSS reporting form.

Within 20 calendar days of the date on this letter, please provide written responses to the following questions:

1. Why did the School not involve its Title IX Coordinator in this situation?²
2. Why did the School not involve its psychologist in this situation?
3. On [REDACTED] "Discipline Referral" form, "Harassment/Intimidation" was the only "Situation" marked. Why was "Inappropriate Sexual Behavior" not checked?³

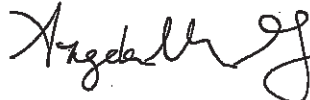
² The School's narrative read, "Jane Baker, an administrative assistant at Stargate, faxed both CPS forms to Sue Parker at the Adams 12 District on 4/20/18."

4. The Principal noted on [REDACTED] "Discipline Referral" forms that they were referred to law enforcement – specifically, the School's school resource officer (SRO). What did the SRO do with the referrals?
5. Why did the School check "No" for [REDACTED] the following question on the DSS reporting form: "Is the child receiving additional assistance at school outside of his/her regular classroom assignment"?
6. The School's narrative indicates that the School's [REDACTED] provided services and support for [REDACTED]. What, specifically, did the [REDACTED] do for each student?
7. Why did the School fail to mention [REDACTED] its monitoring report or follow up narrative summary to OCR?⁴
8. What did the School do in response to learning that [REDACTED]?
9. [REDACTED] "Student Statement Form" read, "[REDACTED] showed the private parties [REDACTED]. What did the School do in response to this information?"
10. [REDACTED] statement indicates that [REDACTED] was involved in [REDACTED] Was disciplinary action against [REDACTED] considered? If not, why not? If so, why was no discipline administered?
11. The School's narrative read, "[The School]-plans to continue providing [REDACTED] [REDACTED]". What is the School's specific plan to accomplish this (i.e., What support will be provided? Where and how often will the supports be provided? Who will provide support? How will the supports and check-ins be documented? How was the plan conveyed to the students and parents involved?)

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.

Sincerely,



Angela Martinez-Gonzalez
Supervisory General Attorney

cc (via email): Josh Cochran, Executive Director, Stargate School
Jan Kulmann, Board President, Stargate School
William Bethke, Attorney for the School
Walt Kramarz, Attorney for the District

³ His statement indicates that [REDACTED] "Discipline Referral" indicates that [REDACTED].

⁴ OCR first learned of the [REDACTED] s "Discipline Referral."