



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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May 11, 2018

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

Re: Adams County School District 12  
Case Number: 08-17-1374

Dear Superintendent Gdowski:

This letter updates the reporting requirements for the December 13, 2017 Resolution Agreement signed by Adams County School District 12 (District) and Stargate School (School) (collectively, Recipients). We have completed our review of the School's documentation received on April 26, 2018 on its actions to ensure compliance with Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the U.S. Department of Education.

Our review and analysis of the Recipients' progress in implementing the Agreement is summarized below. The relevant terms of the Agreement are provided below, in italics, for your reference. Our previous monitoring correspondence approved, and thus no further monitoring submissions are due for, Term 6 of the Agreement.

1. *The School will create or revise a written procedure through which complaints of sex discrimination may be filed, which will include, at a minimum:*
  - a. *an explanation (1) that discrimination includes harassment and (2) what sexual harassment is, including a definition of a hostile environment and examples of sexual harassment;*
  - b. *notice of the procedure, including where to file complaints;*
  - c. *application of the procedure to complaints alleging discrimination by staff, other students, or third parties;*
  - d. *a statement that the School is responsible for determining whether a hostile environment on the basis of sex exists regardless of whether a formal complaint is filed, provided the School knows or should have known of the underlying behavior;*
  - e. *written acknowledgment of complaints;*
  - f. *adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;*
  - g. *provisions for a prompt investigation of complaints, including designated and reasonably prompt timeframes for major stages of the complaint process;*
  - h. *written notice to the parties of the outcome of the complaint;*

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- i. *provisions for a response that is reasonably calculated to end any harassment, remedy its effects, and prevent recurrence, including discipline, where appropriate, of any staff or students found to have engaged in harassment;*
- j. *adequate record-keeping, including a reference to, including as an appendix, the Title IX Complaint Form, developed pursuant to Term III of the Resolution Agreement in OCR Case No. 08-17-1353;*
- k. *effective notice of the School's Title IX Coordinator designated pursuant to Term 1 of the Resolution Agreement in OCR Case No. 08-17-1353;*
- l. *an explanation that all staff are responsible employees obligated to report alleged sexual harassment to appropriate school officials, including the Title IX Coordinator; and*
- m. *that the District will be notified of any complaints filed pursuant to the School's procedure.*

**REPORTING REQUIREMENT A:** *By January 31, 2018, the School will submit, for OCR review and approval, its draft procedure. 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 students, parents, and staff in English and in Spanish. 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; any websites used to disseminate information to students, parents, or staff; and the School's Community Handbook.*

The School previously provided, and OCR reviewed, its draft grievance procedure. The School subsequently provided a revised draft. OCR reviewed the revised draft. We are fine with the grievance procedure, though recommend that the School make clear consistently in the policy that it applies to discrimination, including harassment and retaliation. Therefore, based on the information provided, OCR has determined that the Recipients have complied with Term/Reporting Requirement 1(A) of the Agreement. No further monitoring submissions are due for Term/Reporting Requirement 1(A) and we look forward to hearing from you as to 1(B).

2. *The School will issue and publish the School's OCR-approved policy, pursuant to 34 C.F.R. § 106.9, against sex discrimination to all students, parents, and staff.*

**REPORTING REQUIREMENT A:** *By January 31, 2018, the School will submit, for OCR review and approval, the document that it intends to issue and publish. The School will fully and promptly address any comments by OCR as to the document and will continue to modify the document until it receives final OCR approval.*

**REPORTING REQUIREMENT B:** *Within 15 days of OCR's approval of the procedure required in Term 1, the School will disseminate the procedure to students, parents, and staff in English and in Spanish. 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; any websites used to disseminate information to students, parents, or staff; and the School's Community Handbook.*

The School previously provided its "Title IX Nondiscrimination Policy," which OCR recommended combining with the School's proposed grievance procedure pursuant to Term 1 or considering OCR's comments on the policy. The School opted to combine the policies. Therefore, based on the information provided, OCR has determined that the Recipients have complied with Term/Reporting Requirement 2(A) of the Agreement. No further monitoring submissions are due for Term/Reporting Requirement 2(A) and we look forward to hearing from you as to 2(B).

4. *The School will provide training to all staff about the prohibition against sex discrimination, including, at a minimum and in addition to the topics required to be addressed pursuant to Term II of the Resolution Agreement in 08-17-1374:*
  - a. *The procedure developed pursuant to Term 1;*
  - b. *all staff's obligation to report sexual harassment to appropriate school officials, including the Title IX Coordinator;*
  - c. *the person(s) to whom alleged sexual harassment should be reported; and*
  - d. *making sure that any students and parents who report harassment know how to report any subsequent problems.*

**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.*

The School previously provided, and OCR approved with respect to this case, its proposed training materials. We understand that the School will deliver the training after the materials are approved with respect to other applicable OCR Resolution Agreement(s) and look forward to hearing from the School as to Reporting Requirement 4(B) thereafter.

5. *The School will convene a school assembly for secondary students to discuss the School's prohibition on sexual harassment, and how to recognize and report sexual harassment, including but not limited to through the complaint procedure developed pursuant to Term 1.*

**REPORTING REQUIREMENT A:** *By January 31, 2018, the School will submit, for OCR's review and approval: (1) a summary of the proposed school assembly and any materials it proposes to use at the assembly; and (2) the identity, and qualifications, of who will be moderating the assembly. The School will fully and promptly address any*

*comments by OCR and will continue to modify the materials and moderator(s) until it receives final OCR approval.*

**REPORTING REQUIREMENT B:** *Within 30 days of OCR's approval, the School will submit, for OCR's approval, documentation demonstrating that the assembly (1) was held, and (2) addressed the School's prohibition on sexual harassment, and how to recognize and report sexual harassment, including but not limited to through the compliance procedure developed pursuant to Term 1.*

The School previously provided a monitoring submission for this term, about which OCR requested further details. The School subsequently provided a proposed one-page handout and PowerPoint slides for the assembly presentation. The School also indicated that two Secondary School Counselors and current Title IX Officer will moderate the assembly. OCR reviewed these materials and has no compliance concerns with respect to them. Therefore, based on the information provided, OCR has determined that the Recipients have complied with Term/Reporting Requirement 5(A) of the Agreement. No further monitoring submissions are due for Term/Reporting Requirement 5(A) and we look forward to hearing from you as to 5(B).

#### *Conclusion*

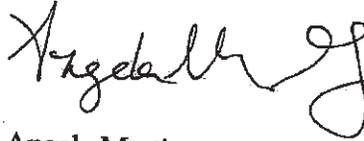
We look forward to hearing from you with additional monitoring reports as those reports come due.

Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law. Please be advised that the Recipients may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint investigation. If this happens, the individual may file another complaint alleging such treatment.

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 OCR receives 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.

We thank the Recipients for their commitment to completing the terms of the Agreement. If you have any questions, please contact the attorneys assigned to the case, Sarah Morris, at 303-844-3682 or Sarah.Morris@ed.gov or Jason Langberg, at 303-844-6299 or Jason.Langberg@ed.gov.

Sincerely,



Angela Martinez-Gonzalez  
Supervisory General Attorney

cc: Walt Kramarz, Deputy General Counsel, Adams County School District 12  
Josh Cochran, Executive Director, Stargate School  
Jan Kulmann, President, Stargate Governance Board  
Tony Dyl, Kutz & Bethke LLC, counsel for Stargate School  
Complainant