



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

July 2, 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 May 31 and June 18 and 21, 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;*

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

- 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 I 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.*

Please see our analysis with respect to Term 2.

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.*

We previously determined that the Recipients had complied with Term/Reporting Requirement 1(A) and 2(A) of the Agreement. With respect to Terms/Reporting Requirements 1(B) and 2(B), the School provided an email that was sent to all School families. The School indicated that the

policy is being translated to Spanish and would be uploaded to its website once completed, and also would be added to the School's handbooks. Therefore, in the School's next monitoring report, **due within 30 days of this letter**, please provide documentation of the website upload and revised handbook(s).

3. *To the extent not included in the Recipients' reporting pursuant to Term V of the Resolution Agreement in OCR Case No. 08-17-1353, the Recipients will report to OCR on all complaints received pursuant to the procedure established pursuant to Term I, whether written or oral, and the Recipients' response(s).*

*REPORTING REQUIREMENT: By June 22, 2018 and January 25, 2019, the Recipients will provide OCR, for OCR's approval, a description of, and any documents related to, all complaints received pursuant to the procedure established pursuant to Term I 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.*

The School reported on complaints received through June 2018. We analyzed the majority of this submission in our June 19, 2018 letter in OCR Case No. 08-17-1353. With respect to additional reports of alleged discrimination, the School indicated that it had received two additional reports, both of which appeared to concern alleged disability discrimination. OCR reviewed the School's monitoring submission in this case, including multiple emails with both sets of parents and relevant previous monitoring submissions in OCR Case No. 08-17-1155. Based on the information provided, we have determined that no further reporting is required as to the June due date. We look forward to hearing from the Recipients with respect to the January 2019 reporting.

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 I;*
  - 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.*

We previously determined that the Recipients have complied with Term/Reporting Requirement 5(A) of the Agreement. We granted an extension as to Term/Reporting Requirement 5(B) until September 15, 2018 and look forward to hearing from the School by then.

### *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  
Jan Kulmann, President, Stargate Governance Board  
Bill Bethke & Tony Dyl, Kutz & Bethke LLC, counsel for Stargate School  
Complainant