

To: Superintendent Gdowski and the Adams 12 Board of Education
From: Amelia Meunier, Tracy Dorland, Kevin West
Re: Stargate School Charter Renewal
Date: January 9, 2019

The purpose of this memo is to provide you with a summary of the Staff's recommendation regarding Stargate School's request for charter renewal with the Adams 12 Five Star School District. This memo describes the application review process we undertook, our recommendation regarding the renewal request, and the rationale for our recommendation.

Staff Members from the Following Departments Reviewed and Provided Feedback on the Renewal Application:

- School Effectiveness and Accountability
- Curriculum and Instruction
- Special Education
- Gifted and Talented
- English Language Development
- Legal Services
- Professional Learning
- Student Engagement Initiatives
- Financial Services
- Business Services (Safety and Security, Nutrition, Risk Management)
- Human Resources

Application Review Process and Related Processes Used by Staff for Information Gathering:

- Staff members used the charter renewal rubric provided by CDE to score the application. Additional information was requested and received from Stargate when needed. Staff were identified to participate in the review based on respective areas of expertise relevant to the application requirement.
- Staff met with DAC to provide review data, and other issues related to Office of Civil Rights (OCR) questions.
- Staff met regularly (sometimes weekly) this school year with Stargate to discuss many issues. These meetings, outside the review process have been helpful in identifying the strengths listed below, as well as support for Stargate in the areas of concern listed below.

- Staff has met with many parents to discuss various concerns and has served in many instances as a liaison between Stargate board and administration and concerned Stargate parents.
- The District’s general counsel commissioned an external investigation of various concerns and allegations at the expense of the district.

Strengths Identified by Staff:

1. Stargate has a longstanding tradition of strong academic performance based on Colorado’s School Performance Framework measures.
2. Since its last contract renewal, Stargate has completed a successful move and expansion of its campus, including addition of a high school, which will see its first class of graduating seniors in 2019.
3. Financial oversight and management of Stargate have remained consistently strong, with a history of clean audits.
4. Stargate’s curriculum has expanded to include the creative “Adroit” program, providing unique, new, self-directed learning opportunities for students.
5. The school’s mission is well written, concise and aspirational.
6. Stargate was transparent and spoke directly in their renewal application about the recent climate and culture issues resulting from a number of OCR complaints. In addition, while much work remains to be done, Stargate has been responsive to corrective actions directed by the OCR in relation to these formal complaints.

Areas of Concern Identified by Staff:

- Accountability and Disproportionate Expenditure of Time and Resources by Adams 12 Staff
- Climate and Culture Substantiated Concerns and Allegations
- Special Populations
 - Gifted and Talented
 - Special Education
- Admissions and Enrollment Policy and Practice
- Governance

Proposed Remedies and Conditions for Consideration for each Area of Concern:

Below are proposed conditions to address the above areas of concern for the Adams 12 Board of Education to consider when making a decision about renewal of Stargate’s charter.

Concern	Proposed Remedy and Conditions for Consideration
<p>1 - Accountability and Disproportionate Expenditure of Time and Resources by Adams 12 Staff</p> <p>Stargate has been collaborative in its partnership with Adams 12 and there is a positive working relationship between Adams 12 staff and the school's administration. However, staff has concerns about Stargate's sense of urgency and follow through when issues arise. In addition, there is a disproportionate amount of time that staff has spent supporting Stargate, as compared to other charter schools and at times, other district schools. The district has invested not only staff time, but also monetary resources in support of Stargate and it's efforts to make progress with recent OCR complaints. Stargate must begin to take ownership of school processes, procedures and decision-making, consistent with best practice and compliance requirements. Adams 12 staff believes that an effective, high performing Executive Director can support progress toward legally compliant, independent decision-making at the school, especially as related to the concerns outlined herein.</p>	<p>A. Stargate's contract renewal will be for a 3 year period with the possibility of a 2-year extension, pending Superintendent's recommendation to the Board of Education at the end of year 3.</p> <p>B. Stargate will report on the conditions outlined below to the Adams 12 Board of Education twice in the 2019-20 school year, once in January 2020 and again in June 2020; and then continue with a once annual report in subsequent years.</p> <p>C. Notwithstanding any other provision of the authorizing agreement, Stargate shall indemnify Adams 12 for all costs incurred by the District, including legal fees and expenses incurred by the District to retain outside legal counsel to respond to all complaints and address any subsequent monitoring obligations. Complaints subject to this provision include those filed in state or federal court, as well as administrative complaints filed with the Colorado Department of Education, the Colorado Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Office for Civil Rights.</p>
<p>2 - Climate and Culture Substantiated Concerns and Allegations</p> <p>A history of serious culture and climate allegations and documented concerns exist, including discrimination, retaliation, bullying, offensive conduct towards students, and harassment among staff, parents, and students. This climate and culture has led to multiple, formal Office of Civil Rights complaints between January 2017 and February of 2018. In addition, there are concerns/accusations related to violation citations issued by</p>	<p>A. Title IX / Civil Rights - Stargate will continue for the remainder of the 2018-2019 school year and the following 2019-20 school year to retain the services of the current independent expert Title IX/Civil Rights coordinator (or mutually acceptable and qualified replacement), through a consulting arrangement. The district will support the services at 25% through December 2019. The spring semester of the 2019-20 school year will be at school's sole expense. This will allow Stargate to onboard an Executive Director and develop a plan for Title IX/Civil</p>

the Colorado Department of Human Services, failure to fulfill mandatory reporting obligations under the Colorado Child Protection Act, and complaints of misconduct by Stargate school administration that have been brought to the Stargate Board's attention. Many complaints have been filed with district staff that the Stargate board and administration did not address these accusations/concerns in a timely, documented and accountable manner. While plans have been enacted and are actively occurring to resolve the complaints and make much needed improvements, including a change in the school's leadership, staff believes that the continuation of these positive steps should be ensured by improved oversight of Stargate's board and administration.

Rights oversight and compliance to be submitted to the charter liaison and the Board of Education in January of 2020 for approval by the district, as part of its twice annual review during the 2019-20 school year. Stargate will be expected to continue to support and cooperate with the independent expert in fulfilling his/her role. As part of the final Title IX/Civil Rights plan for Stargate, the District, and the independent expert, must mutually agree, in writing, that the long-term individual in the Title IX Coordinator role has the expertise, institutional authority, independence, and credentials to serve this critical function, prior to him/her assuming this position.

- B. Executive Director - Stargate will follow through on its recent commitment to hire an Academic Executive Director to oversee non-business operational functions for the Stargate Campus. The school shall publicize and conduct a nationwide search for a suitable candidate for this position, and fill the position with a qualified candidate by no later than July 1, 2019. The District shall be involved in and provide input on candidates throughout the application pre-screening and interview process.
- C. Unified Improvement Plan (UIP) Climate/Culture Goals - For each year of the renewed contract, Stargate will include in its Unified Improvement Plan specific goal(s) to improve school climate and culture, including action steps, relevant data gathering and adjustments as needed.
- D. Stargate will work with a facilitator, mutually acceptable to the district, to support effective onboarding of the new Executive Director and community mediation for climate/culture improvement, in alignment with the school's UIP climate/culture goals. Selection of a facilitator and plan for community engagement and reconciliation will be mutually

	<p>agreed upon by both Stargate and district staff by September 2019.</p>
<p>3 - Special Populations - Gifted and Talented</p> <p>There is a lack of an articulated, evidence-based continuum of services for prevention, instruction, intervention and support services for all students, and especially for those identified as having or suspected to have specialized learning needs (i.e. special education, 504, ELL, GT).</p> <p>For example, as of January 7th, 2018, over 55% (491 out of 889) of GT students identified as needing support via an Advanced Learning Plan (ALP) have incomplete ALPs.</p>	<ul style="list-style-type: none"> A. All students currently, formally identified as GT, will have a comprehensive, statutorily compliant ALP by the start of the 2019-20 school year. B. Moving forward, within the first 30 days of GT identification, all students will have a formal ALP. C. Stargate will provide annual training for all school administrations on compliance and best practice for gifted learners. D. Because of the school's mission to serve gifted and talented students, two administrators, one at the elementary level and one at the secondary level, will either possess or work toward, within the next 2 years, successful and timely attainment of an endorsement in gifted and talented education.
<p>4 - Special Populations - Special Education</p> <p>There is a lack of an articulated, evidence-based continuum of services for prevention, instruction, intervention and support services for all students, and especially for those identified as having or suspected to have specialized learning needs (i.e. special education, 504, ELL, GT).</p> <p>For example, there are legitimate OCR/CDE special education complaints and district staff is expending time weekly in support of special ed and 504 compliance.</p>	<ul style="list-style-type: none"> A. Stargate will arrange and complete by June 1, 2019, at its sole cost, a special education program audit to be conducted by a mutually agreed upon, independent third party, to include findings and implement recommendations for improvement of procedures, safeguards and services for students with special needs prior to the start of the 2019-20 school year. Copies of the audit shall be provided to the Adams 12 Board of Education and administration. Stargate will promptly implement recommendations from the audit and will provide monthly updates about progress to the charter liaison. B. Stargate will hire a full time Director of Special Education, with professional credentials, whose primary function will be to implement recommended changes and to address development, including staff training, of a multi-tiered

	<p>continuum of support for students who have or are suspected to have an educational disability. The district's charter liaison will participate in the hiring process for this position. This position will be a full time administrator to oversee special education and 504 processes for the school, to be hired by the beginning of the 2019-20 school year.</p> <p>C. Stargate will provide annual training for all school administrators on compliance and best practice in special education and 504.</p> <p>D. The Authorizing Agreement shall provide that in the event that the District reasonably determines that material noncompliance with IDEA/Section 504/ECEA has occurred in connection with any students/applicants, as evidenced by formal, substantiated complaints and/or patterns of non-compliance, the District in its sole discretion may impose an "insurance model" special education/504 service delivery structure (see Colorado Department of Education document, "Colorado Charter Schools Special Education Compliance Plan Guidelines: For Negotiating New and Renewal Charter Contracts for Colorado Charter Schools") for the duration of the authorizing agreement, and the parties shall negotiate a contract modification to implement the insurance model provisions, including provisions to reflect financial and staffing ramifications, within a reasonable timeframe.</p>
<p>5 - Admissions and Enrollment Policy and Practice</p> <p>District staff has concerns that the singular use of an IQ score for admissions to Stargate may not be in compliance with current state statute, nor does it represent the current best practice of utilizing a body of evidence to identify giftedness across multiple categories. In addition, staff believes that this</p>	<p>A. Stargate shall submit a legal opinion regarding its admissions/enrollment practices and policies.</p> <p>B. Stargate shall submit a revised admissions and enrollment policy and process for review prior to the February 6th Board meeting. This revised policy and process shall: 1) include an action and recruitment plan for ensuring a more diverse</p>

<p>practice hinders the ability of some culturally and racially diverse student populations to access the Stargate program.</p>	<p>student population can be served at Stargate; 2) recognize multiple categories of giftedness, aligned to CDE guidance and applicable ECEA regulations; and 3) fully align to all applicable Colorado State Board of Education standards referenced in 1 CCR 301-88, and the CDE "Fact Sheet" on the gifted education eligibility determinations: https://www.cde.state.co.us/cdechart/tbwgiftededucationfactsheet</p> <p>C. Parents will not incur fees/costs in connection with the application/enrollment process beyond those fees/costs authorized by Adams 12 Board of Education and District policies.</p>
<p>6 - Governance</p> <p>The Stargate board has decided to implement a new leadership structure, with separation of operations and academics between two different Executive Directors (ED). This new leadership structure and the new ED for Academics has the great opportunity to support the concerns outlined in this memo. However, it will be critical for the board to understand its role in supporting, empowering and supervising both Executive Directors and the new leadership structure. New leadership needs the best chance possible to positively impact the school's climate and culture while acknowledging the interests of all stakeholders in the Stargate community. Board training and governance improvements will greatly support new leadership.</p>	<p>A. Stargate board will engage in annual training with a mutually agreed upon charter consultant, such as the Colorado League of Charter Schools, to address board best practice and compliance in regard to governance and accountability. Topics for these trainings should include: board ethics, effective governance practices and structures, child abuse/neglect, mandatory reporting obligations, sexual harassment and disability/civil rights issues, workplace bullying, student anti-bullying, and preventing concerns and being responsive, in writing, when concerns or complaints do emerge, regardless of whether those complaints are written or "formal."</p> <p>B. Annual plan for board training will be shared with the charter liaison by Sept. 1, 2019.</p> <p>C. Stargate board will communicate regularly with the district to report on all complaints and concerns that are brought to the Stargate board which potentially implicate compliance with applicable law (e.g., Section 504 or sexual harassment</p>

	complaints), Board of Education or District policy (e.g., anti-bullying or treatment of staff violation of Board Policy 2.2), or any provision of the Authorizing Agreement, and the board's written response to those complaints.
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Recommendation:

After thorough review and evaluation of Stargate School's renewal application, District Staff provides the following recommendation for the Adams 12 Board of Education members to consider when making their decision for re-authorization:

Staff recommends that the Adams 12 Board of Education authorize the charter for a term of three (3) years, with the potential for extending by an additional two (2) years without renewal application, provided Stargate sufficiently satisfies the conditions established in the Board of Education's renewal resolution and contract, as determined by the Superintendent.