



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

October 26, 2020

Mr. Chris Gdowski, Superintendent  
Adams County School District 12  
1500 E. 128th Avenue  
Thornton, CO 80241

via email only to [chris.gdowski@adams12.org](mailto:chris.gdowski@adams12.org)

Re: **Adams County School District 12**  
OCR Case 08-20-1415

Dear Superintendent Gdowski:

We write to inform you of the resolution of the above-referenced complaint, filed on July 24, 2020, against Adams County School District 12 ("District") alleging discrimination based on disability and retaliation. Specifically, the Complainant alleged that the District, at Stargate Charter School ("School"): (1) denied XXX a Free Appropriate Public Education ("FAPE") by failing to consider XXX's individual educational needs; (2) retaliated against the Complainant by failing to provide XXX with XXX's full educational records in a timely manner; and (3) failed to properly implement the School's grievance policies and procedures when the Complainant made a disability-related complaint to the School's Governing Board.

The Office for Civil Rights ("OCR") of the U.S. Department of Education ("Department") is responsible for enforcing: Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and its implementing regulation, at 34 Code of Federal Regulations ("C.F.R.") 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 ("Title II"), and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As recipients of federal financial assistance from the Department and public entities, the District and School (collectively "Recipients") are subject to these laws and regulations.

On September 14, 2020, we notified the Recipients that OCR was opening an investigation of the allegations. We also sent a data request to the Recipients at that time.

Prior to the deadline for the data response, the Recipients expressed an interest in taking voluntary action to resolve the Complainant's allegations. We determined that it was appropriate, pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), to resolve the allegations with an agreement ("Agreement") without conducting an investigation. On September 23, 2020, we sent the Recipients a proposed Agreement. The Recipients sent OCR a fully executed Agreement on October 20, 2020. Enclosed is a copy of the signed Agreement.

When the Agreement is fully implemented, the allegations will be resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports from the Recipients demonstrating that the

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

terms of the Agreement have been fulfilled. We will promptly provide written notice of any deficiencies regarding the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. The Complainant will be copied on our monitoring letters. If the Recipients fail to implement the Agreement, we will take appropriate action, which may include enforcement actions.

This concludes OCR's investigation of the allegations and should not be interpreted to address the Recipients' compliance with any law or regulatory provision, or to address any issues other than those addressed in this letter.

Please note that the Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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 resolution process. If this happens, the individual may file another complaint alleging such treatment.

This letter sets forth OCR's determination in an individual 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.

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 seek to protect, to the extent provided by law, personal information, which, if released, could constitute an unwarranted invasion of privacy.

Thank you for your prompt attention to this matter and cooperation. If you have any questions or concerns, you may contact one of the attorneys assigned to this case: Jason Langberg (XXX) or Emily Harvey (XXX).

Sincerely,

/s/

Angela Martinez-Gonzalez  
Supervisory General Attorney

Attachment: Resolution Agreement

cc (via email): Kathy Shannon, Attorney for the District  
William Bethke, Attorney for the School  
Katy Anthes, Colorado Commissioner of Education