

**RESOLUTION AGREEMENT**  
**Adams County School District 12 and Stargate School**  
**OCR Case Number 08-20-1415**

Adams County School District 12 (“District”) and Stargate School (“School”), collectively “Recipients,” enter into this Agreement to resolve the allegations in the above-referenced case. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Recipients. The Recipients assure the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), as amended, 29 United States Code (U.S.C.) Section 794, and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”), 42 U.S.C. Section 12131 et seq., and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to OCR issuing a final determination pursuant to Section 303 of OCR’s *Case Processing Manual* (CPM), the Recipients agreed to resolve the issues in this case pursuant to Section 302 of the CPM. Accordingly, to resolve the issues, the Recipients agree to comply with the following terms and reporting requirements.

**TERM I – Team Meeting:**

- A. Within thirty (30) calendar days of this Agreement being signed, the School will convene a meeting of a group of knowledgeable people (“Team”) to, at a minimum:
  - i. complete or update any Section 504 plan for Student;
  - ii. discuss and determine whether Student is owed any compensatory services and/or other remedial measures as a result of the alleged failure to provide the Student with a free appropriate public education (FAPE); and if so,
  - iii. create a plan to provide compensatory services and/or other remedial measures to the Student (“Plan”).
  
- B. In taking these actions, the School will ensure that:
  - i. the Team draws upon information from a variety of sources;
  - ii. the Team documents and carefully considers information obtained from all such sources;
  - iii. the Team and Team meeting are consistent with the procedural requirements of Section 504;<sup>1</sup>
  - iv. the Complainant is invited to the Team meeting and permitted to invite persons knowledgeable about the Student to attend the Team meeting;
  - v. the Team carefully considers all information provided by the Complainant and her invitees, if any; and
  - vi. any decisions made at the Team meeting reflect the judgment of the Team, not the judgment of a single individual.

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<sup>1</sup> 34 C.F.R. §§ 104.35-36.

- C. If a Plan is created, the Plan will include the:
- i. type(s) of compensatory services and/or other remedial measures to be provided;
  - ii. amount(s) of compensatory services and/or other remedial measures to be provided;
  - iii. name(s) and title(s) or position(s) of the person(s) who will be responsible for providing the compensatory service(s) and/or other remedial measure(s);
  - iv. the location where the compensatory service(s) and/or remedial measure(s) will be provided;
  - v. the schedule for the provision of the compensatory service(s) and/or remedial measure(s); and
  - vi. the name and title or position of the person who will ultimately be responsible for the provision of the compensatory service(s) and/or remedial measure(s) as planned.
- D. Within fifteen (15) calendar days of the meeting, the School will send the Complainant:
- i. written notice of the determinations made at the meeting;
  - ii. a copy of the updated Section 504 plan;
  - iii. a copy of the Plan, if one is created; and
  - iv. a copy of the School's applicable procedural safeguards.

**Term I Reporting Requirements:**

- A. Within thirty (30) calendar days of the Team meeting, the School will submit to OCR (and submit a copy to the District) copies of: (i) the written notice of the determinations made at the meeting that was sent to the Complainant; (ii) documentation from the meeting showing the perspectives shared, information considered, and decisions made, including regarding compensatory services; (iii) the Plan created at the meeting, if one was created; and (iv) the updated Section 504 plan. If the Team determines that no compensatory services will be provided, the School will provide to OCR (and provide a copy to the District) a written explanation of the reasons for that determination, along with any supporting documentation. The School will promptly and fully address OCR's concerns, if any, until the Recipients receive OCR's final approval of the meeting and Plan, if any.<sup>2</sup>
- B. Within sixty (60) calendar days of receiving OCR's final approval of the Plan, if any, the School will submit to OCR (and provide a copy to the District) documentation showing that the School has completed or is in the process of completing the Plan.<sup>3</sup> The School will promptly and fully address OCR's feedback, if any, until OCR notifies the Recipients that no further reporting is required for Term I or Reporting Requirement B.

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<sup>2</sup> Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by a group that is properly constituted and that takes appropriate actions in light of the requirements of due process. In the event that the group proposes compensatory services or remedial actions, and those actions are clearly insufficient to provide equitable relief to the Student, OCR will notify the Recipients of its concerns, and the School will consider and respond to any feedback from OCR with respect to the proposed compensatory services or remedial measures.

<sup>3</sup> This case will remain in monitoring until all compensatory services (if any) have been provided, or until the School provide an explanation acceptable to OCR for why the services cannot be provided.

## **TERM II – Procedures/Guidelines for Diabetes:**

- A. The Recipients will either create or review and revise, as necessary, any School procedures and/or guidelines regarding students with diabetes. The procedures and/or guidelines will address, at a minimum:
  - i. Section 504's and Title II's prohibitions on discrimination against students with diabetes;
  - ii. a statement that the School is required to provide students with diabetes who are eligible for an IEP or Section 504 plan with a free appropriate public education (FAPE);
  - iii. Section 504 plans and accommodations, modifications, and services for students with diabetes, including examples of possible accommodations, modifications, and services for students with diabetes who are qualified for an IEP or Section 504 plan;
  - iv. the records that will be maintained for students with diabetes;
  - v. the differences between Section 504 plans and health/healthcare plans, if the School uses both;
  - vi. ensuring the availability and use of qualified staff to serve School students with diabetes;
  - vii. ensuring ongoing training of School staff about serving students with diabetes; and
  - viii. the names and contact information for the School's Section 504 coordinator.
  
- B. The School will disseminate to all School parents, guardians, and staff the final procedures/guidelines, including, at a minimum:
  - i. emailing the procedures/guidelines to all staff, with a directive to carefully review the procedures/guidelines;
  - ii. adding the procedures/guidelines to an easy-to-find location on the School's website; and
  - iii. adding the procedures/guidelines to the student/parent handbook.

## **Term II Reporting Requirements:**

- A. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review a draft of the procedures and/or guidelines. The School will promptly and fully address feedback, if any, from OCR until the Recipients receive OCR's final approval of the procedures and/or guidelines.
  
- B. Within thirty (30) calendar days of receiving OCR's approval of the procedures and/or guidelines, the School will submit to OCR documentation demonstrating that the procedures and/or guidelines were disseminated as required by Term II(B). The School will promptly and fully address OCR's concerns, if any, until OCR notifies the Recipients that no further reporting is required for Term II or Reporting Requirement B.

## **TERM III – Staff Training regarding Students with Diabetes:**

- A. The School will ensure that all relevant School staff are trained on the contents of and compliance with the procedures/guidelines approved by OCR pursuant to Term II.

### **TERM III Reporting Requirements:**

- A. Within thirty (30) calendar days of receiving OCR's final approval of the procedures and/or guidelines pursuant to Term II, the School will submit to OCR (and submit a copy to the District) for review and approval:
- i. draft materials to train all relevant staff about the contents of and compliance with the procedures and/or guidelines approved by OCR pursuant to Term II;
  - ii. a proposed list of staff to be trained; and
  - iii. the name(s), title(s) or position(s), and qualifications of one or more proposed individuals to provide the training to School staff.

The School will promptly and fully respond to OCR's concerns, if any, until OCR considers these concerns resolved and issues final approval of the materials, trainees, and trainer(s), and notifies the Recipients that no further reporting is required for Reporting Requirement A.

- B. Within sixty (60) calendar days of receiving OCR's final approval of the training materials, trainees, and trainer(s), the School will provide the training.
- C. Within thirty (30) calendar days of the training being provided, the School will provide to OCR (and provide a copy to the District):
- i. the date, time, and location of the training;
  - ii. confirmation that the approved trainer(s) delivered the training;
  - iii. the agenda and materials from the training;
  - iv. the names and titles of all individuals who attended the training; and
  - v. the name(s) and title(s) of all individuals who did not attend the training, an explanation for each person's absence, and a plan to train each person (if possible).

The School will promptly and fully address OCR's concerns, if any, until OCR notifies the Recipients that no further reporting is required for Term III.

### **TERM IV – Grievance Policies and Procedures:**

- A. The Recipients will review and revise, as necessary, any School grievance policies and procedures for Section 504-related/disability discrimination-related complaints. The policies and procedures will address, at a minimum:
- i. an explanation of what constitutes disability-based discrimination;
  - ii. notice of the procedure, including where to file complaints;
  - iii. application of the procedure to complaints alleging discrimination by staff, other students, or third parties;
  - iv. written acknowledgements of complaints;
  - v. adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
  - vi. provisions for a prompt investigation of complaints, including designated and reasonably prompt timeframes for major stages of the complaint process;

- vii. written notice to the parties of the outcome of the complaint; and
  - viii. that the District will be notified of any complaints filed pursuant to the School's procedure.
- B. The School will disseminate to all School parents, guardians, and staff the final policies and procedures, including, at a minimum:
- i. emailing the policies and procedures to all staff, with a directive to carefully review the policies and procedures;
  - ii. adding the policies and procedures to an easy-to-find location on the School's website; and
  - iii. adding the policies and procedures to the student/parent handbook.

**TERM IV Reporting Requirements:**

- A. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR (and submit a copy to the District) for review a draft of the policies and procedures. The School will promptly and fully address feedback, if any, from OCR until the Recipients receive OCR's final approval of the policies and procedures.
- B. Within thirty (30) calendar days of receiving OCR's approval of the policy and procedures, the School will submit to OCR (and submit a copy to the District) documentation demonstrating that the policies and procedures were disseminated as required by Term IV(B). The School will promptly and fully address OCR's concerns, if any, until OCR notifies the Recipients that no further reporting is required for Term IV or Reporting Requirement B.

**TERM V – Training regarding Grievance Procedures:**

- A. The School will ensure that relevant School staff and board members who are involved with handling Section 504-related/disability discrimination-related complaints and grievances are trained on the School's grievance policies and procedures as revised pursuant to Term IV of this Agreement.

**TERM V Reporting Requirements:**

- A. Within thirty (30) calendar days of receiving OCR's final approval of the policies and procedures pursuant to Term IV, the School will submit to OCR (and submit a copy to the District) for review and approval:
- i. draft materials to train all relevant School staff and board members about proper handling of grievances in accordance with the School's policies and procedures;
  - ii. a proposed list of staff and board members to be trained, including, for each individual listed, a description of the role(s) he or she plays with respect to Section 504-related/disability discrimination-related complaints and grievances; and
  - iii. the name(s), title(s) or position(s), and qualifications of one or more proposed individuals to provide the training.

The School will promptly and fully respond to OCR's concerns, if any, about the training materials, trainees, and trainer(s) until OCR considers these concerns resolved and issues final approval of the training materials, trainees, and trainer(s), and notifies the Recipients that no further reporting is required for Reporting Requirement A.

- B. Within sixty (60) calendar days of receiving OCR's final approval of the training materials, trainees, and trainer(s), the School will provide the training.
- C. Within thirty (30) calendar days of the training being provided, the School will submit to OCR (and submit a copy to the District):
  - i. the date, time, and location of the training;
  - ii. confirmation that the approved trainer(s) delivered the training;
  - iii. the agenda and materials from the training;
  - iv. the names and titles of all individuals who attended the training; and
  - v. the name(s) and title(s) of all individuals who did not attend the training, an explanation for each person's absence, and a plan to train each person (if possible).

The School will promptly and fully address OCR's concerns, if any, until OCR notifies the Recipients that no further reporting is required for Term V or Reporting Requirement C.

**TERM VI – Retaliation Investigation:**

- A. The School will conduct a prompt and equitable (*i.e.*, impartial, thorough, reliable, etc.) investigation into Complainant's request for the Student's records under the Family Educational Rights and Privacy Act (FERPA) or the Colorado Open Records Act (CORA) to determine whether any delay of fulfilling this request was retaliation for Complainant's advocacy efforts on behalf of the Student.

**TERM VI Reporting Requirement:**

- A. Within sixty (60) calendar days of this Agreement being signed, the School will conduct the investigation (including interviewing the Complainant) and submit to OCR (and submit a copy to the District):
  - i. the name(s), title(s) or position(s), and qualifications of the individual(s) who conducted the investigation;
  - ii. a description of the investigation, including dates, the names and titles or positions of witnesses, and the communications reviewed;
  - iii. copies of records from the investigation;<sup>4</sup>
  - iv. a description of the determination regarding whether retaliation occurred and the rationale for the conclusion; and
  - v. if retaliation is found, the remedial measure(s) the School took or will take.

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<sup>4</sup> *e.g.*, records reviewed, witness statements, interview notes, recordings reviewed, policies and procedures referenced, etc.

