



Via Certified Mail, Return Receipt Requested

May 17, 2018

Board of Directors
8773 S. Ridgeline Blvd.
Highlands Ranch, CO 80129

RE: Notice Pursuant to Section 3.6 of the charter contract between Douglas County School District RE-1 and STEM School and Academy Charter School (the "Contract")

Dear Directors:

This letter serves to notify you of significant concerns that we have about STEM's compliance with the Contract and certain legal requirements, as well as STEM's willingness and ability to serve students with disabilities.

As you know, we value the relationship we have with our authorized charter schools and respect the autonomy afforded them under state law and the provisions of the District's model charter contract. However, recent events indicate that STEM is not in compliance with applicable records laws and that, despite the efforts of District staff to resolve this issue, STEM's Head of School continues to thwart parent efforts to obtain records through legal channels. This, coupled with repeated complaints about, and requests for us to intervene in, STEM's delivery of special education services, compels us to exercise our right to corrective action under the Contract. For the reasons outlined below, we are hopeful that you will take appropriate action to resolve our concerns and restore your community's trust.

1. STEM's Failure to Comply with Applicable Records Laws

The Board has received several complaints in recent months about STEM's failure to comply with District policy and applicable records laws, including the Colorado Open Records Act, C.R.S. §§ 24-72-200.1 et seq. ("CORA") and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its corresponding regulations, 34 C.F.R. Part 99. The Board has adopted policies and practices to ensure that District schools comply with these laws. See District Policy JRA/JR and CORA procedures set forth at www.dcsdk12.org/cora. STEM does not have a waiver from these policies.

In one instance, a member of the public requested a copy of the employment contract between STEM and its Head of School, Dr. Penny Eucker. As you know, public employee contracts are public records subject to inspection under CORA and should be readily available for production within three working days as required by CORA. Notwithstanding this fact, it took Dr. Eucker more than a month to produce the record, which she only did after receiving a Notice of Concern from District staff.

In other instances, STEM staff demanded that STEM parents pay anywhere from a few hundred to a few thousand dollars for the right to inspect the education records of their children that they had requested under FERPA. Unlike CORA, FERPA does not permit schools to charge for the retrieval of a student's education records. In many of these instances, the requester was a parent of a student with disabilities receiving services under an individualized education plan pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 and 34 C.F.R. Part 300, ("IDEA"), which has inspection and review requirements that

are similar to those found in FERPA. These parents have repeatedly appealed to us for intervention in obtaining the records of their children without having to pay exorbitant costs not authorized by law.

These repeated failures to comply with CORA and FERPA despite District warnings to the contrary constitute a breach of Sections 3.2 and 3.2(c) of the Contract. At this time, we have no desire to revoke STEM's charter on the basis of this breach. Rather, we request that the Board of Directors submit a corrective plan to remedy the breach for our review and comment. As part of the plan, we request STEM to (1) establish clear practices for processing CORA and FERPA requests, (2) update its website to include clear avenues to submit CORA and FERPA requests, and (3) provide training to the Head of School and other appropriate staff about how to process CORA and FERPA requests in accordance with applicable law and District policy. Please submit the corrective action plan to the Board for review and comment on or before June 30, 2018. Once we have approved STEM's corrective action plan, the District will incorporate such plan into its annual review process for your school. Failure to implement the plan, and continued failure to comply with CORA and FERPA, may be grounds for non-renewal of STEM's charter.

2. STEM's Delivery of Special Education Services

As you know, since the 2016-2017 school year, the District has been named in eight complaints involving special education at STEM. Though we recognize that the volume of complaints is not, in and of itself, indicative of systemic IDEA violations, and we understand that some of the complainants have filed claims based on a single event in different venues, we nonetheless are extremely concerned with the public perception that STEM is not an inclusive environment that serves students with disabilities.

As you may know, a number of STEM parents attend our meetings each month and participate in public comments. Most of these parents have IDEA-eligible students who are enrolled in STEM and their comments have a unifying theme: they believe their students have been mistreated by STEM. In support of these perceptions, they cite an increasing number of unfavorable decisions concluding that the District, through STEM, violated special education laws. While we acknowledge that there are two sides to every story, it is undeniable that the special education community at STEM feels unwelcome and marginalized.

We are aware that the District has struggled in recent years to establish itself as an inclusive community that welcomes and serves special education students. Following the Supreme Court's decision in the *Endrew F* case, and in part due to the complaints of STEM parents, we have convened a special education task force to survey parents of students with disabilities and the staff members who serve such students to identify ways in which the District can better serve this population. We invite members of your Board and STEM staff to participate in the task force where appropriate opportunities arise. We strongly encourage you to work closely with District special education administrators to improve your communication with, and responsiveness to, parents of students with disabilities. Finally, we also encourage you to offer additional professional development to STEM staff who serve students with disabilities, either through District-sponsored opportunities or those provided by outside parties.

When we consider STEM's application for renewal of its charter beyond June 30, 2019, an important criterion will be STEM's commitment to creating equitable responsibility and access for students regardless of socio-economic, disability, language, or other status. STEM's inability to improve currently held perceptions about its special education programs may be grounds for non-renewal.

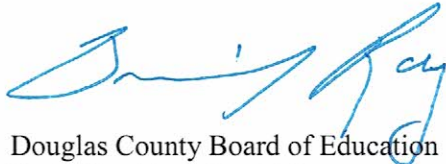
3. Ineffective Leadership

The concerns that we have suggest that STEM's Head of School has not provided effective leadership in these areas. At a minimum, we encourage you to incorporate measurable goals related to legal compliance, parent communication, and special education compliance in the evaluation for the Head of School to ensure

progress in these areas. The tenor of the comments at our meetings suggests that the relationship between STEM and some of its parents is irretrievably damaged. If this is the case, then we also urge you to consider a change in leadership.

We appreciate your attention to these matters and look forward to reviewing your corrective action plan. We are optimistic that STEM will continue to provide a quality education choice for all District students, regardless of background.

Sincerely,



Douglas County Board of Education
By its President, David Ray