

## EDUCATION

# Sarasota Schools owe student \$250,000 in 'DJ' Settlement



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The Sarasota County School District has reached a settlement with the family of “DJ,” an 18-year-old boy who was inappropriately placed in a program for children with severe cognitive disabilities when he was in third grade, and then spent more than five years learning material designed for students with the most severe mental impairments.

The two sides reached a settlement in a case that sparked a state investigation into Sarasota’s exceptional student education programs and revealed that district officials may have placed more than 100 other nondisabled students in a program reserved for those with cognitive disabilities.

Under the terms of the settlement, the School District will pay DJ \$250,000 and cover tuition at a private school for up to four years. A portion of that payment will go toward paying attorney and advocate fees.

The outcome is far less than the district could have been forced to pay. A judge had ordered the district to pay for six years of compensatory education, but internal emails showing that 112 other students were similarly miscategorized could have opened the district to a wave of lawsuits, as a judge ruled that the typical statute of limitations did not apply in this case because of the district officials misleading parents.

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However, the time and expense that DJ’s case took may dissuade more plaintiffs from coming forward. His advocates first filed a complaint roughly two years ago, and attorney and advocate fees, even at discounted rates, will cut into any payout.

“It took a long time to get here, and it should not have,” said disabilities rights attorney Stephanie Langer, who represented DJ, on Tuesday. “... They kept doubling down on their

position even though they kept losing in court.”

District staff have said they want to reach a settlement for several months. In July when the School Board selected Brennan Asplen to be the new superintendent, outgoing interim superintendent Mitsi Corcoran said one thing she regretted from her 8-month tenure was not being able to come to a resolution on the DJ case.

On Tuesday School Board attorney Art Hardy said he was pleased the case had come to a resolution but that he did not have much more to add because much of the legal work had been outsourced to other lawfirms.

School Board Chairwoman Shirley Brown said she did not believe there were additional children who had been inappropriately placed and that DJ was an isolated case. She pointed out that the placement had occurred under former superintendent Lori White.

“I’m pleased with the outcome,” Brown said. “I’m sorry it took so long and that there were so many attorney fees.”

## **Straight-A student**

As a third grader in 2012, DJ was struggling academically, but he did not have a severe cognitive disability.

Weeks before state testing began, district officials transferred him to Access Points, a curriculum designed for children with the most extreme mental disabilities. The timing of the transfer raised questions about whether administrators moved DJ to protect the school grade, since students in Access Points do not participate in state testing.

DJ remained in Access Points for roughly six years, earning straight A’s and being inducted into the Junior National Honor Society. His mother did not know his high grades were the result of learning material that a first- or second-grader could have mastered.

“The harm that the district did to this student can’t be quantified at this point,” said Sue Memminger, one of the advocates working on his case. “Their failure to come to the table and try to mitigate his damages and actually try to educate him was alarming. And no one has been held accountable.”

Just before DJ entered high school, district staff moved him off Access Points and put him in standard classes.

When he began school at Riverview High, he realized he was years behind his peers and began failing all his classes. At the beginning of his sophomore year, he began threatening suicide, and his mother pulled him out of the school.

## **The legal fight**

In October 2019, an administrative law judge ruled that Sarasota School District officials denied DJ of his right to an education, and the judge noted that district staff likely moved DJ in order to protect the district's grade.

The judge also lambasted officials for attempting to cover up the incident by falsifying records. The judge ordered the district to pay for six years of compensatory education.

State Education Commissioner Richard Corcoran announced an investigation into the school district in November 2019. The investigation is ongoing.

In December 2019, the School Board voted to appeal the judge's ruling, as district staff assured board members that the district would honor the judge's order to pay for DJ's remediation during the appeal. Board member Bridget Ziegler was the lone "no" vote at the time.

Four months later, a judge ruled that district staff had ignored her previous ruling and ordered the district to provide an additional year of compensatory education. Former board member Eric Robinson made an unsuccessful attempt to drop the appeal in June, when he and Ziegler were overruled.

## **Where is he now**

DJ, now 18, began taking classes at a private school over the summer, paid for by the School District.

After years of being heralded as an academic all-star while learning material suitable for a mentally challenged elementary school student, DJ is facing the tough reality that he missed out on the most vital years of cognitive development.

"He should be graduating, looking for a job, looking for his own place," Langer said. "His mom blames herself a lot, (asking), 'Why didn't we know this?'"

He is working one-on-one with a teacher at the private school the district is paying

for, learning mostly elementary school concepts like how to read a paragraph and find the main idea, how to round numbers, how to multiply two-digit numbers and how to do long division.

He recently got his driver's license, but he struggles at other adult tasks, like filling out a job application, navigating basic conflicts or skills like giving the correct amount of change for a dollar bill.

The years on Access Points took their toll, and internal emails show that more than 100 other nondisabled students may be in a similar situation.

The program became a sort of self-fulfilling prophecy for the nondisabled students inappropriately placed in it. Many began to seem like they had a disability after years on the watered-down curriculum.

I.Q. “scores had often dipped 20 points on average, which is substantial,” school psychologist Candis Castorani wrote in an email to her bosses. She also alerted district staff in 2016 that there were 113 students without an intellectual disability on the program.

Stephen Marland, DJ's mentor through the Big Brothers Big Sisters of the Suncoast program, has little faith school district leaders will go out of their way to ensure those other students get the help they need.

He said watching board members make grand pronouncements about social justice issues while fighting every order to educate DJ has been maddening.

“We know there were 113 kids, and they know the names of these kids, but they wouldn't even do right by the one that was exposed,” Marland said. “What did they do for the others? Nothing. Except for just hide behind statute of limitations.”