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Expanding Opportunities for Persons with Disabilities

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Administrative Judge rules that Sarasota County School District violated the rights of an African American disabled student by failing to provide an appropriate education for six and half consecutive years

*This could be just the tip of the iceberg.
The cover up was much worse than the underlying failures*

Sarasota, Fla. – An Administrative Law Judge finds that Sarasota County School District failed to provide a free appropriate public education in violation of the Individuals with Disabilities Education Improvement Act also known as the IDEA for seven consecutive years. The Court also found that the district's actions were intentional and discriminatory in violation of Section 504 of the Rehabilitation Act.

D.J. is an African American student who has reading and language deficits but an average IQ. Administrative Law Judge Diane Cleavinger found that Sarasota County School District improperly labeled D.J. as having a significant cognitive impairment so that D.J. would not have to take the FCAT (now the FSA), the state's standardized test required for all public school students on track to obtain a regular high school. Instead, D.J. was improperly placed on a modified curriculum where he stagnated throughout elementary and middle school.

D.J. became invisible and remained that way until 2016, when Sarasota abruptly placed him back into general education classes for high school. Knowing that D.J. was functioning far behind his same aged peers, the district did nothing to support D.J. through this transition. D.J. failed classes, he became frustrated and depressed. He was the victim of constant bullying culminating in a classmate violently throwing him into a trash can that went viral on the internet.

When the parent began to ask for help, the district instead made a plan to put D.J. back into hiding and cover up their failures. Putting D.J. back into special education classes was the easiest path for the district, if he remained in general education classes they would have been required to truly educate D.J and close the gap between him and his same age peers. Closing the gap would take effort and resources.

D.J.'s mother was able to stop this plan with the unyielding help of three people, Stephen Marland from the Big Brothers/Big Sisters program and two educational advocates, Sue Memminger and Susan Magers, from IEP for Parents. When caught, rather than address the student's needs, the district fabricated records and lied under oath at deposition and during an administrative hearing.

The administrative judge found that, "the District continued to fail to provide FAPE to the Student by failing to provide him with tutoring, ESY or mental health counseling to prepare him for transition to general education

standards. This failure was compounded by failing to implement the Student's IEPs in 8th, 9th and 10th grades. The prolonged duration and repetition of these failures support a finding of deliberate indifference.”

The ruling today ensures that D.J. will receive the education he was always entitled to and ensures Sarasota must provide an appropriate education to D.J. The district cannot conceal what happened. D.J. will never be invisible again.

D.J. is not the only student impacted. In Sarasota alone there were up to 113 students improperly removed from a general education curriculum. It is suspected that thousands of students throughout the State were also intentionally misidentified by districts in the same manner and for the same purpose. The decision today is just the first step in remedying this discriminatory and widespread practice.

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