

## EDUCATION

# Sarasota Schools: No ill intent in special education scandal



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The Sarasota County School District's special education department will be under close scrutiny by the state's Department of Education over the next year, but Superintendent Brennan Asplen is optimistic the vigorous oversight will root out lingering problems.

On Tuesday, Asplen gave the School Board an overview of the new working relationship with DOE monitors, following a state investigation that concluded Sarasota school officials incorrectly placed some students in a program for those with severe cognitive disabilities.

The state's investigation stemmed from a lawsuit involving a boy named DJ, who spent six years in a program for students with extreme disabilities, despite not belonging in the program.

Asplen said the district staff had begun a long and intensive process of reviewing practices with the DOE.

"This is going to be a process, I will tell you that," Asplen said, detailing the hours of meetings and hundreds of pages of documents he has read trying to fully grasp the extent of the district's special education struggles. "... I don't want you to think that everybody thinks they didn't do anything wrong."

The district has hired Tom McDowell, an ESE specialist, to assist in the review of processes. He conducted a brief overview of the district's process last March.

At the heart of the matter is a disconnect between state guidance and staff understanding as to which students belong in a program called "Access Points," which is designed to expose cognitively disabled children to curriculum at a far simpler level than their peers, McDowell said.

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When a student like DJ, who does not have a severe disability, spends their formative years within the Access Points program, their academic development can be so stunted that it appears as if they do have a disability.

Placing a student in Access Points means they do not sit for state testing, raising the suspicion that the district could be using the program to protect its coveted A schools grade.

However, the DOE investigation released in December and the brief evaluation McDowell conducted in March found no evidence to conclude that this was the motivation.

While both the DOE and McDowell did not prove officials intentionally misplaced students to boost school grades, board member Bridget Ziegler pointed out that the judge who ruled in DJ's favor said that school officials operated with "deliberate indifference."

Board members had not seen McDowell's review until this week, and after the meeting, former interim superintendent Mitsi Corcoran said she did not want to release it until the state had concluded its investigation. She also noted that she had received it just as schools were closing because of COVID-19.

McDowell's short report was anecdotal in nature, and he concluded that there was no ill intent and instead focused on the idea that mistakes by well-meaning staff were made.

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He said staff members placing children in the program for students with severe mental disabilities tended to rely on their instincts rather than specific state guidelines.

"There was no intent to do harm," McDowell said. "However, there was a lot of misunderstanding and a lot of positions that people kind of interpreted what they thought it should be, more heartfelt stats or 'I know what this child needs.' But the law is the law."

"Compassionate special education teachers did the thing they thought was in the best interest of the child, but in reality probably was not," he said.

Ziegler pushed back against McDowell's conclusion.

"My concern is that in your analysis is there any evidence to substantiate your conclusions?" she asked.

McDowell said he had not reviewed the DJ case and that his assessment was based on a general overview of district data on students being placed in Access Points.

Asplen is pushing for the DOE to clarify the exact guidelines for which children are eligible for the program. Asplen said that he has worked in three districts, and all three have struggled with interpreting state guidance.

While the advocates working on DJ's case have pushed for accountability from the district staff members making the incorrect decisions, board member Tom Edwards echoed comments made earlier by board Chairwoman Shirley Brown that the most important thing was intent.

If the state and McDowell both concluded the students were not intentionally misplaced, then the focus should be on improving systems moving forward, said Edwards, who praised the employees working in the district's special education department.

"We have people who cannot love enough, cannot care enough," said Edwards. "So if they made judgments and it was wrong, I'm sorry that happened, but the most important thing is that it wasn't intentional."

Board member Jane Goodwin said she was glad the board was finally involved on the special education scandal, which has generated considerable distrust and public frustration. Shining a light on the problems with the department is the only way to improve it, she said.

"You're only as sick as your secrets," she said.