

SARASOTA

Sarasota Schools under state investigation for special education violations

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The Florida Department of Education has launched an investigation into the Sarasota County School District, following an administrative law judge's conclusion that district officials directed an unknown number of children into a program reserved for children with the most severe cognitive disabilities, as part of an effort to protect the district's stellar state grade.

Education Commissioner Richard Corcoran wrote former superintendent Todd Bowden a letter on Nov. 4 telling him that the DOE's Office of Inspector General would be investigating the matter, in conjunction with the Bureau of Exceptional Education and Student Services.

"It is clear to me that an independent review is necessary to determine the full scope of what has occurred, ensure that all students are receiving the required services, and reestablish the public trust," Corcoran wrote.

Corcoran launched the investigation following a scathing ruling by Administrative Law Judge Diane Cleavinger, in which she concluded that district officials falsified documents as part of an attempt to justify transitioning "DJ," a student with an average IQ, into a program where students could graduate from high school reading at a first-grade level.

"Staff conduct related to such misrepresentations was systemic in the district and fundamentally violated IDEA, which is based on individualized education derived from an honest reporting of the data," Cleavinger wrote, describing altered data.

District officials transferred DJ into "Access Points," the alternative program reserved for children with the most severe cognitive disabilities, just weeks before he was due to take Florida state tests as a third-grader in 2012. The reclassification meant he would not have to take state tests.

He remained in the alternative program, earning A's and B's on the modified curriculum until school officials transferred him back into general curriculum in ninth grade at Riverview High School, where it became immediately evident he was years behind his peers.

Cleavinger ordered the school district to make up for the time DJ had lost and pay for six and a half years of compensatory education in a private school as part of her ruling.

Corcoran's letter indicates the investigation will seek to determine how many other students may have had a similar experience.

Is district ignoring judge's order?

The state investigation comes at the same time as DJ's advocates say the district is ignoring the judge's ruling.

Despite Cleavinger's order for the district to pay for private school, when school officials convened on Nov. 15 to discuss implementing the newly ordered services for DJ, private school was not part of their proposed plan.

School officials wrote that the "district believes that they presently have an appropriate educational program that can provide a FAPE (free and appropriate public education)," in a prior written notice provided to DJ's mother and obtained by the Herald-Tribune. FAPE is the federal standard setting the bar for what local school districts must provide.

The document also states that DJ's mother had placed him in a private school on her own volition and that, during the meeting, officials proposed using McKay Scholarship funds to cover the cost.

Parents can opt to receive a state-funded McKay Scholarship to pay for private schooling for their child, but it is a parent's choice and not a decision that can be mandated by a school district, legal experts say.

If DJ accepted the McKay funding as the district has proposed, it could set the stage for a legal dispute between the district and the state because the judge's order requires the district to pay for the private school, not the McKay fund, said Susan Mager, one of the advocates working on DJ's case.

"That does not follow the court order," Mager said, adding that the amount of funding available from McKay would not come close to the roughly \$15,000 annual private school

bill.

“McKay is not going to cover that on the best day,” Mager said.

The district’s proposal and advocates’ rejection of it means the legal fight will continue. On Nov. 20, Langer filed a motion asking Cleavinger to enforce or clarify her original order. The judge denied this request, saying, “a final order was issued in this matter and the file was closed.” Subsequently, Langer filed a request for a due process hearing, citing multiple examples of the district disregarding the judge’s final order.

The Sarasota School Board will meet to discuss the case during an executive session on Dec. 10. During this meeting, the board will decide whether to appeal the judge’s decision, board member Jane Goodwin said.

School district spokeswoman Tracey Beeker in a written statement last week acknowledged that officials had received the letter from the state on the inquiry. “We will work collaboratively with the FLDOE's review of this case and provide any requested documents and interviews requested as part of their audit. Separately, the school board will hold an executive session on December 10 regarding the Judge's ruling and fulfill any actions the Board wishes to take regarding this matter,” she said.

Sue Memminger, one of the advocates working on the case, said the district’s proposals undermined their hope that the case would be resolved swiftly following the judge’s order.

“This gives me trepidation to believe that the School District honestly wants to build trust and have transparency going forward,” Memminger said.