

SARASOTA

Judge: Sarasota schools owes student for mishandling his education

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The Sarasota County School District's treatment of a student with learning disabilities has left it on the hook for more than six years of compensatory education, private tutoring and mental health services, raising questions about liability for paying for services for other students.

A judge ruled this week that school officials inappropriately placed "DJ," a student with learning disabilities and an average IQ, into Access Points, a specialized curriculum intended only for students with the most severe cognitive limitations, when he was in third grade.

When DJ reached high school, he and an unspecified number of other students were pulled from the program and re-enrolled in mainstream classes, where he immediately began failing. After years in a program designed for students with the most severe mental disabilities, DJ severely regressed academically.

Internal district emails, voicemails and administrators' testimony indicate there were several more students enrolled in Access Points who may not have belonged in the modified curriculum and may have had similar struggles when they were forced back into mainstream classes.

Superintendent Todd Bowden was out of town Wednesday and not available to comment specifically on the administrative law judge's findings, but said the district is looking into whether other students were similarly affected.

"I have great concerns for the student, and plan to take action to ensure the student has full access to all the school district's resources needed to help them succeed and flourish both personally and academically," Bowden said. "I also want to review the possibility that other students may be at risk, and will work to identify who they are and what we can do to set them on a path for long-term academic success."

The total cost of compensatory education is not yet known, although it could easily be in

the hundreds of thousands of dollars. The judge's order requires the district to cover the cost of six and a half years of private school in an appropriate program, intensive tutoring and mental health services.

Evidence gathered by special education advocates who worked on the case indicates that DJ was not alone.

On Nov. 8, 2016, exceptional student education program specialist Victoria Stillo-Gross emailed the district's ESE directors, telling them there were 113 students taking Access Points classes who were not classified as intellectually disabled.

Stillo-Gross told her staff to re-evaluate those 113 students and that they should only participate in the program if there "is evidence of a significant cognitive disability." She said if students who did not qualify as intellectually disabled were participating in the program, they should be referred to a district review team.

Parent advocate Sue Memminger said "significant cognitive disability" could be considered the most severe of the 13 learning disability classifications in Florida.

Two years later, Stillo-Gross told a parent advocate that the district had been putting students with other learning disabilities into Access Points without giving them a test to determine their eligibility.

"There were several (students), that once we did the intellectual assessment they could not meet the criteria that is set for Access Points curriculum participation," Stillo-Gross said in a voicemail that was submitted as evidence in DJ's administrative law hearing.

In another email, Brittany Shurley, another ESE program specialist, referred to the cadre of students inappropriately placed in the specialized curriculum, saying "there were many students that were removed from Access Points instruction to regular instruction."

Other emails show district staff wondering what to do as the students pulled from Access Points floundered in mainstream curriculum.

"This is an abrupt change for them and from speaking to my colleagues, these kids are struggling greatly," school psychologist Candis Castorani wrote in an email discussing DJ's situation in January 2018.

Castorani pushed back against what could be perceived as pressure to falsely reclassify students as having a severe cognitive disability so they could be re-enrolled in the

specialized program. She characterized that path as “the easy option” because it freed the district from the responsibility of helping the child get caught up on years of missed education.

“Professionally and ethically, I cannot find justification for saying this student has a significant cognitive disability and will not do so,” she wrote. “Please look at all of the data before making this decision as it he (sic) greatly impacted this child already.”

Part of the judge’s order this week was for the school district to consider what mental health services DJ would require. The student became severely depressed when he entered high school, thinking that he was an academic all-star because of accolades he won while in Access Points, only to discover that he was functioning at a third-grader’s level when he was in a normal high school classroom.

He threatened to hang himself and was involuntarily committed following a bullying incident when a classmate stuffed him in a trashcan and posted a video of the incident on social media.