

## EDUCATION

# State says Sarasota County schools likely caused irreparable harm to students



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A Department of Education investigation into the Sarasota County School District's exceptional student education program was released Tuesday evening with the conclusion that district officials have been placing students without severe cognitive disabilities into Access Points, an alternative program reserved for children with the most profound challenges.

Commissioner of Education Richard Corcoran issued the results in a damning letter that placed significant new sanctions on the district, with the threat of losing special education funding if it does not comply.

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“The actions of your district have likely caused irreparable harm to the students in the forefront of this issue, which may never truly be quantified,” the commissioner wrote. “... It is imperative that the district stop blaming former colleagues and past administrations and take responsibility for corrective action immediately.”

“To date, I am not convinced that the district is consistently acting with students' interest at the forefront,” Corcoran wrote.

District spokesman Craig Maniglia was not immediately available for comment.

The state investigation was sparked by the “DJ” case, in which special education advocates Sue Memminger and Susan Magers uncovered evidence showing that school officials had shifted more than 100 students without severe disabilities into Access Points and then claimed ignorance of the practice under oath.

DJ was one of those students, and after a two-year legal battle, the district settled with his

family for \$250,000 last week. The DOE launched its investigation last year after a judge ruled that school officials had robbed him of his right to an education.

DOE investigators reviewed 66 sample student files and found that 27 of those students (41%) were either improperly placed or lacked the necessary documentation to show that the student belonged in the program.

The investigation was not an exhaustive review of all the children on Access Points, but the results paint a troubling picture of the district's program that is reserved for the most vulnerable.

Experts say Access Points is an appropriate program for students who need it, but it comes with severe limitations.

Students who graduate with an Access Points diploma are not eligible for college or military service, and many will never be able to do work beyond an early elementary school level. It is designed for students with "severe cognitive disabilities," a term for students who were once frequently classified as "mentally retarded."

If 41% of the cases the state reviewed came back showing the student either didn't belong in the program or the district hadn't done due diligence to ensure they did, that raises concerns about the entire program, board member Bridget Ziegler said.

"That has raised serious alarms for me," Ziegler said. "... This outlines some very serious concerns and red flags and transfers that responsibility to our current superintendent. I think there needs to be people held accountable, absolutely."

## **Investigation results**

The investigation focused specifically on whether the district wrongly placed students in the program in order to boost the district's grade – a question raised by administrative law judge Diane Cleavinger in her ruling.

The DOE investigators ultimately concluded that students wrongly placed in the program were dispersed across multiple schools, so the allegation that officials moved the students to protect school grades was not substantiated.

However, the investigators found enough wrongly classified students to warrant stiff state oversight.

The DOE's Office of Inspector General gathered data on all students who had taken the alternative assessment instead of the Florida Standards Assessment between 2012 and 2019.

Of 783 unique students who took the alternative assessment at least once in the seven-year period, 128 did not have a classification that would normally qualify them to take the alternative curriculum, like a traumatic brain injury or diagnosis of having an intellectual disability.

The OIG randomly selected half (66) of the 128 who were missing the typical diagnosis in order to determine why they were placed on alternative curriculum.

Of the 66 students reviewed, investigators identified 15 students who were incorrectly placed on the program, and 12 students about whom the student file did not have enough evidence to make a determination.

While the state cleared the district of moving students to protect school grades, enough were wrongly placed or lacked documentation to warrant further scrutiny.

Corcoran's letter does not specify what the district should do with the 27 students who may have been wrongly placed. In DJ's case, the district ultimately has to pay for years of private schooling to make up for lost time, along with the settlement payout.

However, the new sanctions Corcoran placed on the district are aimed largely at identifying students who are not in the proper program, educating parents on the consequences of participating in Access Points and keeping students with disabilities in mainstream classrooms as much as possible.

## **Stiff new sanctions**

Corcoran's order submits the district to strict oversight, and Corcoran said the DOE will be sending staff to monitor the district's ESE programs.

"Ultimately, the ability to prove the district is appropriately serving students with special needs is in your hands, and my staff will be present to see firsthand," he wrote.

Also, in order to receive Title II and IDEA funding, the district has to implement a laundry list of corrective actions:

Develop a plan for 20 hours of professional development for targeted staff and administrators on providing support for students with cognitive disabilities in regular classrooms.

Participate in two years of oversight by the DOE, to include classroom observations, parent and teacher interviews and monthly “targeted technical assistance and desktop monitoring” by the state.

Submit data to the DOE each quarter on the district’s alternative standards program, including how many students are enrolled and what support they are receiving.

Develop training programs for parents so they understand the risks and consequences of participating in the alternative program. (Students graduating from Access Points are not eligible for college or military.) The district must create a new parent training program and report monthly to the DOE how many parents are participating and what the outcomes are.

For the next three years, the district must submit to the DOE its policies and procedures on training parents of students with severe disabilities and its ESE professional development plans.

“Florida’s school districts should have long since moved on from forcing families of students with special needs to take their claims to court and choosing to pay off a student in a stubborn effort to avoid simply serving the student appropriately,” Corcoran wrote.

“Unfortunately, Sarasota County School District’s public actions suggest that this archaic mentality still has a foothold amongst the district leadership,” he stated.

## **Lack of concern**

Board members Brown, Jane Goodwin and the recently retired Caroline Zucker formed a majority that was highly skeptical of the allegations being brought against the district.

The group, along with former board member Eric Robinson, voted to appeal the judge’s order to provide DJ with six years of compensatory education last year. When a judge ruled that the district had not been providing the ordered services as the appeals process unfolded, Robinson made a motion to drop the appeal that was voted down by Goodwin, Zucker and Brown.

The three longest-serving members of the board questioned the motives of advocates Sue Memminger and Susan Magers, often implying that the two were simply trying to get

money from the district.

Last week, Brown said she did not believe there were additional students who had been wrongly placed, but she also said she had not read the evidence or proposed final order where the details of that allegation are laid out.

Corcoran singled out statements made by Brown to the media and on Facebook regarding the case, where she said DJ's case was an isolated incident and questioned what school would want him with all the "baggage" he brings by having special education advocates assist in getting him services.

On Wednesday morning, Brown said the commissioner's comments seemed uniquely targeted at her, since it mentioned specific comments she had made on Facebook.

"I just think the letter from the commissioner and the way that I was attacked, I think it had some political motivations behind it," Brown said. "I intend to send him a letter asking for an explanation."

Brown said there are "two sides to every story," and she questioned the conclusion of the original administrative law judge, who ruled against the district.

She noted the subsequent DOE investigation did not find evidence that the district intentionally placed children in the program to avoid state testing or to get more money, and she said some of the findings in the investigation seemed minor, like not having a parent's signature authorizing the child's placement in the alternative program.

Asked what investigative outcome she would support, Brown said she would ultimately trust whatever Superintendent Brennan Asplen finds as he looks into the matter.

Goodwin said she had not yet had a chance to read the order but would comment after the district's 10 a.m. audit committee meeting.

Former board member Robinson said Wednesday morning that the entire debacle had disgusted him, and he wants administrators to be held accountable.

"The majority of the board was trying to cover everything up, just being cheerleaders," Robinson said. "We had staff members that lied and covered things up, and nothing happened to them."