

SARASOTA

Student languishing after years in special needs program

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Stephen Marland, a volunteer with Big Brothers-Big Sisters, was shocked when he got the invitation to attend a National Junior Honor Society induction ceremony for DJ, a seventh-grader at Brookside Middle School in Sarasota whom he was mentoring.

DJ was a fun and personable kid, he said, but Marland found it hard to believe he had qualified for such an academic honor. DJ has been diagnosed with ADHD and a disorder making it difficult to understand and process language, and he had been in special education classrooms his entire life.

Nonetheless, Marland went.

“His mom seemed very proud. He was doing karate at the time, and his karate teacher came,” Marland said. “But I thought, 'how did a kid like this get into the National Honor Society?’”

For all of elementary and middle school, DJ got high grades, and he viewed himself as an academic all-star, said his mother, Mamie.

All of that changed abruptly during his freshman year at Riverview High School. He started failing classes, and test results showed that he was reading at a third-grade level.

It wasn't until a meeting during November of his sophomore year that DJ's mother learned the reason for DJ's precipitous drop off from National Junior Honor Society inductee to a kid who could barely read.

All those A's DJ had been receiving in elementary and middle school were from his participation in a modified academic program known as “Access Points” that is reserved for students with severe cognitive disabilities, according to a complaint filed with the Florida Department of Education. The seventh-grade Honor Society induction was because of how well he was performing in a program designed to serve students who will, most likely, never read beyond a second-grade level.

The complaint alleges that, despite his cognitive struggles, DJ was reading on grade level and making academic progress as a third-grader before being placed in the program. When DJ hit ninth grade, the district realized he wasn't supposed to have been in the program and abruptly transitioned him back into general education for high school, where he immediately floundered, the complaint alleges.

DJ's mother says this was all done without her knowledge or permission. Marland, who has worked to help DJ and his mother navigate the educational system, said DJ's struggles are understandable.

"He had been out of mainstream curriculum for so long, and then they just threw him into it," Marland said.

DJ wasn't the only student in his class transferred into standard classes, and advocates say they want to know how many students have had the same experience.

District spokeswoman Tracey Beeker said the school district could not address any of the allegations until the complaint case is closed.

The district and DJ's mother have not settled the case, and on Monday a three-day administrative hearing into it will begin.

Access Points

Access Points is an alternative curriculum designed to expose students with cognitive disabilities to the same material their classmates are learning at a "much simplified level," said Kimberley Spire-Oh, a Florida special education attorney not affiliated with the case.

Most students participating in Access Points will never read beyond a second- or third-grade level, she said, and the program is not intended for students to enter and exit. She gave an example, saying students learning about the solar system in Access Points may learn that "there are things called planets and we are on one called Earth." She said there are three levels of difficulty in the program, but the rigor is nowhere near the level of the standard curriculum.

DJ was transferred into Access Points on April 13, 2012, under a month before he was due to take the state's standardized test, which was the FCAT at the time, according to a copy of the Prior Written Notice provided by Stephanie Langer, a disabilities attorney representing DJ and his mother. The timing is suspicious to Langer. Students in the

program do not have to take state tests, and districts have used such tactics to decrease the number of low-level students impacting their scores.

The notice his mom received makes no specific mention of Access Points, only saying that “DJ will now be on alternative assessments.”

Langer said no reasonable person could be expected to understand that statement to mean the student was being pulled from mainstream curriculum and placed into one that is reserved for students with the lowest cognitive abilities.

From outward appearances, nothing changed that would have tipped his mom off that he was in a new program, Langer said. DJ had always been in a classroom for students with academic struggles, and after being transferred into the program nothing changed from his mother’s perspective.

The complaint alleges that after five years in the program, during DJ’s eighth-grade year, the school district discovered such students were inappropriately enrolled in the program. Langer said the district rectified the situation by simply transferring students out of the program and placing them back into general education, forcing DJ into high school-level classes when he had the cognitive ability of a third-grader. The district has offered to re-enroll DJ in Access Points, an offer the complaint describes as “outrageous” and “discriminatory.”

Langer say the family wants the school district to pay the difference between DJ’s McKay Scholarship and the cost of attending a private school for students with learning disabilities, hoping he can recover the lost years.

How much ground he will be able to recover is yet to be seen. Spire-Oh said a student like DJ, who was already facing academic challenges who was then placed in Access Point for five years, could face insurmountable challenges.

“To try to recover from that in the amount of time he has left would be almost impossible,” Spire-Oh said.