

REPORT

SD73.5 Caregivers of Special Education, 504, and Diverse Learners

April 11, 2025

Introduction

This report was prepared by members of Niles Township Caregivers of Special Ed, 504 and Diverse Learners whose children attend Elizabeth Meyer, John Middleton, and Oliver McCracken schools, and variously receive special education services through individual education plans (IEPs), have disability accommodations protected by Section 504 plans (504s), or are neurodiverse learners in need of accommodation. The information in this report comes from the personal experiences of those in this group as well as the reports of numerous other parents and district employees who were interviewed by members of this group. The individual information provided here, without identification, has been approved by the individuals involved.

In this group and out, parents commonly praised their children's special education teachers, many of their general education teachers, and many other professional staff members. However, just as consistently, parents reported alarming failures as well as direct discriminatory actions against them and their children by district administration and those working at their direction (sometimes unwillingly). Those reports reflected a failure to provide an appropriate environment for inclusion and educational services for students with disabilities and, worse still, a pattern of affirmative discriminatory practices carried out by the Director of Student Services and those at her direction. The inquiry also revealed a failure to have appropriate inclusion planning district-wide, general transition planning between schools, parent council participation in district and school-level decision-making that uniquely affects kids with disabilities, and appropriate disability-affirming training for general education teachers and staff, among other things.

These findings reflect a disservice to, and violation of the rights of, our children. The way this harms our children is obvious: it harms their social experience, their educational access and opportunities, their mental and physical health, and their future in general. But the harm goes beyond them. Our teachers are not being given the voice they should in students' educational plans and as honest advisors to parents. Parents are being sidelined and subjected to sham IEP meetings following predetermined placement decisions, refusals of services, and other violations of their children's rights, and then subjected to absurd financial and emotional burdens as they must either accept improprieties, or mediate or litigate unnecessarily.

Furthermore, our district is not well-served by students who are not well-served, and parents who are regularly shut out of true decision-making become isolated from the community in which they live and fund. As a financial matter, our district is being harmed by the resource drain that the Director of Student Services is creating with her excessive use of a taxpayer-funded lawyer and mediation or litigation costs to enforce her authority, regardless of the propriety of her decisions for students. These costs hide in between the lines, as there is no transparency about them for district taxpayers. Likewise, forcing children into unnecessary therapeutic day school placements costs this district more than appropriate placement in SD 73.5 would. And, critically, both the individual discrimination and systemic discrimination described below open this district up to incredible financial liability under numerous statutes.

The School Board and incoming Superintendent should heed this report's findings and the action plan that follows.

Legal Framework¹

Three federal statutes provide protections and services for students with disabilities in public school settings – the Individuals with Disabilities Education Act (IDEA) (originally enacted as Education for All Handicapped Children Act of 1975), Section 504 of the Rehabilitation Act (Section 504) (enacted in 1973), and the Americans with Disabilities Act (ADA) (enacted in 1990). Both the ADA and Section 504 are civil rights statutes that seek to ensure equal opportunity for people with disabilities. IDEA is a funding statute that provides individualized educational programming (commonly known as “special education”) for students with disabilities and, to most people, is at the heart of how public schools support children with disabilities. The IDEA requires school districts to provide the individualized services necessary to get a child to an equal floor of opportunity, regardless of the costs, administrative burdens, or program alterations required.

Students with disabilities are entitled to a free and appropriate education (FAPE) in the least restrictive environment (LRE) under all three statutes. 34 C.F.R. § 300.114; 34 C.F.R. § 104.33; 34 C.F.R. § 104.34; 28 C.F.R. 35.130(d). A free appropriate education is one specially designed to meet the unique needs of the student, supported by services the child needs to benefit from the instruction. *Bd. of Educ. of Murphysboro Cmty. Unit Sch. Dist. No. 186 v. Ill. State Bd. of Educ.*, 41 F.3d 1162, 1168 (7th Cir. 1994). The least restrictive environment requirement means that, to “the maximum extent appropriate, children with disabilities . . . are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” 20 U.S.C. § 1412(a)(5)(A).

A free and appropriate education (FAPE) includes special education and related services that:

1. are provided at public expense, under public supervision and direction, and without charge; meet the standards of the State educational agency; and include an appropriate preschool, elementary school, or secondary school education, 20 U.S.C. § 1401(9); and
2. are provided in conformity with an individualized education plan (IEP), 20 U.S.C. § 1401(9).

The law has specific provisions which govern all aspects of the IEP. Those provisions give teeth to the “individualized” nature of the individualized education plan, reflecting that the district must attend to the specific child’s needs, based upon all information available, instead of carrying out typical procedures or practices they prefer to use, including those used for children without disabilities.

A student’s IEP must be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” 34 C.F.R. § 300.324(a)(2)(i). Broadly, an IEP is created following an evaluation that can be requested by a parent or the district. The evaluation must be consented to by the parent (except in unusual circumstances) and be a thorough clinical, functional, and behavioral assessment examining all facets of the child. 20 U.S.C. § 1414. In

¹ This is not intended to provide legal advice to anyone, nor is it meant to include every relevant legal provision.

developing the child's IEP, the IEP team (whose necessary and permitted members are set out in the statute) must consider the strengths of the child, the concerns of the parents for enhancing the education of their child, the results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child. 20 U.S.C. § 1414(d)(3)(A). Additional considerations may be required depending upon the particular type of disability. 20 U.S.C. § 1414(d)(3)(B). For a student whose behavior impedes his learning or the learning of others, the IEP must include steps to be taken to address the behaviors, including the use of "positive behavioral interventions and supports," and other strategies. 20 U.S.C. § 1412(a)(5).

Even where no special education services will be provided, districts must accommodate students with disabilities. Typically, school districts implement their 504 obligations through individual "504 Plans" that set out the changes or accommodations that a student needs to receive a FAPE. Federal law also requires school districts to identify and evaluate students with disabilities. This is sometimes referred to as the "Child Find" obligation.

The IDEA provides parents with various procedural safeguards, including the right to participate in IEP meetings. 34 C.F.R. 300.501. The district more specifically must "ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child." 20 U.S.C. 1414(e); 34 C.F.R. 300.327.

Where children with disabilities are excluded from the most integrated setting, whether by their educational placement or through exclusionary discipline of any type, several provisions may be violated, including that:

- No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. 12132; 28 C.F.R. 35.130(a).
- A public entity, in providing any aid, benefit or service, may not, directly [], on the basis of disability –
 - Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, program or service; 28 C.F.R. 35.130(b)(1)(i)
 - Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit or services that is not equal to that afforded others; 28 C.F.R. 35.130(b)(1)(ii)
 - Provide a qualified individual with a disability with an aid, benefit or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others; 28 C.F.R. 35.130(b)(1)(iii)
 - Provide different or separate aids, benefits, or services to individuals with disabilities, or any class of individuals with disabilities that is provided to others unless such action is necessary to ensure equality for people with disabilities. 28 C.F.R. 35.130(b)(1)(iv).

- A public entity shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications will fundamentally alter the nature of the service, program, or activity. 28 C.F.R. 35.130(b)(7)(i).

Where a parent disagrees with a decision made at an IEP meeting, they have multiple avenues to challenge the decision. In Illinois, parents can challenge an IEP placement through mediation, filing a written complaint with the Illinois State Board of Education (ISBE), or requesting a due process hearing. Ill. Admin. Code tit. 23 § 226.560 (mediation); Ill. Admin. Code tit. 23, § 226.570 (ISBE complaint); 105 ILCS 5/14-8.02a (due process hearing). If they undertake any of those avenues within the time limits provided, the district must keep the child in the last placement to which the parties agreed for the pendency of those proceedings, unless it creates danger for themselves or others. 20 U.S.C. § 1415(f)(1)(H)(i); Ill. Admin. Code tit. 23, § 226.560(b). This is known as the “stay put” provision.

Findings

Parents of students with disabilities and/or receiving special education services in this district have provided examples of numerous problematic experiences with the school district administration summarized below.

I. PATTERN OF FAILING TO PROVIDE A FREE APPROPRIATE EDUCATION AND SERVICES TO STUDENTS WITH DISABILITIES

Based on the collective experience of this parents’ group, along with information gathered from district parent and employee stakeholders outside of the group, the district’s administration of special education services and disability accommodations has failed to properly protect and support disabled students’ educational rights and needs. In ways that are alarming, and alarmingly consistent across families, parents have had to fight to get appropriate services and placements in the least restrictive environment, with many experiencing unilateral decision-making, particularly withholding of appropriate services and other conduct in violation of students’ and parents’ rights, by the Director of Student Services Angela DeMay. Indeed, DeMay appears to have had free rein over our children’s educational opportunities with little to no oversight over the past years. However, as discussed below, many issues that require urgent attention extend beyond DeMay or predate her tenure with the district. Our district’s problems with serving students with disabilities are systemic, traumatizing, and silenced. But we will be silent no more.

Parents consistently report that their perspectives about their children’s needs are not heard (in reality, beyond sham meetings) unless the parent can afford to hire (or is) an advocate, attorney, or clinician. In several instances, appropriate services or placements only were provided after a parent involved an outside specialist provider, advocate, or attorney, in order to advocate for the student. In some cases, even the recommendation of a clinician did nothing to help. Among other problems, this difference in district response depending on the parents’ ability to involve third party professionals has created a systemic inequity in our district. Many parents lack the resources and face barriers (whether financial, linguistic, cultural, or due to lack of specialized knowledge to navigate educational systems) to have outside specialists support their children’s cause.

The problems are numerous, but we provide the following examples of either indirect or direct discrimination in the administration of this district's special education services and accommodations:

A. Unilateral Predetermination of Placements

Multiple families have experienced the predetermining of services and placements for students with disabilities, in violation of the law. *See* 20 U.S.C. § 1414. In many cases, parents have experienced arriving at IEP meetings only to confront predetermined outcomes, presented to unsuspecting parents ambush-style, where the parents have not been even put on notice of any proposed placement or service change, much less are they aware of what has already been decided. In other instances, parents present clinical bases for their service or placements requests, including outside provider opinions, only to be met with district minds already made up against them for no rational reason, and with no real consideration of their child's legal rights. Although there are multiple instances of this conduct, this report will provide representative examples.

Example 1:

Parents of a Meyer preschool student with an August birthday, developmental disabilities, and an IEP asked the district administration to delay their preschool child's kindergarten enrollment. DeMay, with the assistance of district-funded counsel, prevented this placement decision and essentially forced the child into an ultimately tumultuous kindergarten placement, following an expensive dispute process. The child has since moved to therapeutic day school. Whether the therapeutic day school placement would have occurred regardless is unknown, but that is the ultimate consequence of denying this very reasonable and appropriate individualized plan.

At the time of the parents' request, the child's various disabilities resulted in developmental delay and, among other things, the child was not toilet trained and still needed naps. The parents hoped that an additional year of preschool with the services and accommodations in the IEP would allow their child the opportunity to catch up developmentally and begin Meyer kindergarten the following year, providing a greater chance of success. The child's outside providers and teachers supported this plan. However, for no individualized reason related to this child, DeMay refused. When the parents conveyed orally the need for their child to have an additional year of preschool, DeMay claimed it would result in peer ostracization. Dr. Helen Wei, Meyer principal, also conveyed a refusal to individualize a plan for the disabled child, relying on assertions that the school had "a policy" against it (despite no such document existing).

Following that initial meeting, the parents wrote DeMay and Wei a detailed letter laying out the reasons for their request for their child to have an extra year of preschool and provided as support *three opinion letters from the child's outside providers*. They also pointed out that, since their child was in a blended class of three- and four-year-olds, half of whom would be staying another year, there would be no concern of not advancing with peers or knowing others in the eventual kindergarten class. Further, they noted that peer ostracization would be worsened by their child being the only child in kindergarten who was not toilet trained. Following the letter, DeMay asked the parents to sign consent forms so that the school could collaborate with those three outside

clinical providers, which the parents signed. However, no one from the district ever sought to contact any of those providers.

At the next IEP meeting, the pat refusal continued, further indicating the predetermined nature of the outcome. Also, in DeMay's presence at the IEP meeting, the teachers who had been supportive of the parents' placement request outside of DeMay's presence were silent. The school made clear they were rejecting the parents' request for an individualized placement decision that was supported by clinical providers, but without any valid basis. DeMay's reasoning changed this time, and was no longer peer ostracization or alleged "policy." Now she claimed that agreeing to allow the delayed child to remain in preschool for an extra year would be a violation of the requirement that they receive a free appropriate public education. No valid, individualized reason was ever provided.

Those parents spent thousands of dollars on legal counsel in an effort to get the district to allow this very reasonable individualized plan. (The refusal is all the more confusing as many students in our district started kindergarten late in 2021 and 2022, following the shutdown portion of the COVID-19 pandemic, despite the district's preference.) Although the parents' attorney advised they were likely to succeed in a due process challenge before the state, DeMay told the parents that the child would have to start school regardless and then would potentially be moved, depending on legal outcome. With the start of the school year weeks away, the wish to create as little disruption for their child as possible, and the thousands of dollars already spent, the parents gave up their fight. Their child then began Meyer kindergarten before they were ready, assigned to a special ed class instead of the less restrictive gen ed preschool class, and ultimately ended up a therapeutic day school instead, where they continue now.

This course of conduct by DeMay was abusive and illegal because it ignored the individualized need of this child and forced the child into a placement that was not appropriate based upon all of those who knew the child's needs best.

Example 2:

In Fall 2024, parents of an autistic kindergartener with an IEP who had a scheduled IEP meeting asked the case manager in advance of the meeting whether there was any planned or proposed placement change. The case manager stated the district had no such proposal or plan because that would amount to an improper predetermination. However, an improper predetermination is exactly what occurred.

Once at the IEP meeting, DeMay made clear her intention to change the student's placement to a self-contained special education classroom. She also implied that, if the parents did not agree to that change, the student would be placed in a therapeutic day school. DeMay first sought to base the change on purported new incidents that had never been documented. The parents were surprised at this new information and had many questions. DeMay did not have answers. Therefore, the parents asked the IEP case manager about these purported incidents and particularly for dates of when they occurred and whether they were ongoing. The case manager could not answer these questions and appeared uncomfortable, plainly forced to act as if the sham basis being offered by DeMay was legitimate when it was not.

With the sham exposed and the parents stating that this was not a sufficient basis for a placement change, DeMay then pivoted. She stated that the placement change was inevitable and unavoidable—plainly communicating its predetermined nature—although the parents had received no prior warning of such a plan. Distressed and confused by the notion that the placement change was somehow inevitable, the next day the parents spoke with a key member of the IEP team who had been in the meeting and asked her about this statement. In particular, the parents asked the IEP team member when she had learned that this would be the outcome of the meeting. That team member told the parents that *the change had been news to the staff member as well, and only had been conveyed by DeMay at the pre-meeting with staff that took place “30 minutes before” the parents arrived.*

In addition, despite the fact that a district employee note-taker had been taking contemporaneous notes during the meeting, the notes of the meeting provided to the parents included none of the key exchanges and appeared to have been scrubbed of all parent complaints, questions, challenges to DeMay, and DeMay’s most damning statements. The notes thus presented a wholesale misrepresentation of the meeting. The parents then prepared notes to accurately summarize the events of the meeting. In addition to the illegality of predetermining placement, falsifying public records to hide illegal and discriminatory conduct also independently violates the law.

Example 3:

Another family had a similar experience at the end of last school year, in the Spring of 2024. Parents of a preschool student in a general education setting were surprised to learn at an IEP meeting in the Spring of 2024 that the district planned to move their child directly to a therapeutic day school for kindergarten. The parent asked about the possibility of a 1:1 aide but that was rejected. Indeed, the district impermissibly skipped all less restrictive environments in putting forward this plan. The parent was pressured into signing their agreement to that placement change during the meeting, despite feeling surprised and confused.

Following the pressured placement change communicated in that meeting, the parent did not want that change and sought outside help. In particular, the parents sought the help of their child’s neuropsychologist and outside occupational therapist to respond to the district. The child’s outside OT conducted a school study and gave feedback to Meyer. As a result, the child remained in Meyer for kindergarten and has had a successful kindergarten experience there, with a mix of general and special education. However, it was only because the parent had the fortitude to overcome the pressure tactic and had the ability and resources to involve a neuropsychologist and outside OT that the improper placement change to therapeutic day school was rescinded. That these resources were required for the district to conduct an appropriate placement assessment creates an incredible inequity, as many parents will not have these resources available.

Example 4:

However, where an elementary school child properly had been placed at a therapeutic day school with the approval of the parents, and the parents, teachers, and administrators at the therapeutic day school jointly recommended continued placement at the therapeutic school

because of the extensive needs of the student, the district administration denied the recommendation of the team working most closely with the student and removed that placement.

* * * *

What has been clear in recent years is the thread of the stories above: that regardless of clinical opinions, teacher insights, or the parents of course, DeMay decides. DeMay has been emboldened with total authority to decide all of our children's placements, armed with an attorney who does her bidding on our dime. She is not making decisions that are in accordance with students' or parents' rights and interests, and routinely against the advice of teachers and other staff members who are in the best position to assess student needs and strengths. This must end.

B. Refusal to Conduct Individualized Planning for Anticipated Challenges

Several parents report the district refusing parents' requests to create a plan for an anticipated challenge for the child. In particular, many neurodiverse children have unique challenges with transitions. The transition to a new environment including unfamiliar people, like the transition between schools as students in our district age, is a well-known concern for dysregulation and poor performance for neurodiverse kids. Our group has experienced multiple circumstances in which parents of neurodiverse kids asked the district to provide a comprehensive plan for an anticipated significant challenge like a transition, involving the many licensed professionals employed by the district whose training should allow them to do this. But the district refused to do so. Specifically, both parents and teachers in this district have been told directly by Angela DeMay that they cannot preemptively plan for recognized upcoming challenges but instead must await the harm and then respond to the challenge. The negligence involved in this position and practice is astounding.

Example 5:

In the Spring of 2024, the parents of an autistic preschool student at Meyer, with significant known challenges with transitions, new tasks, and unfamiliar people, asked the district to create and implement a plan to ease the transition to kindergarten. The parents even provided some specific suggestions. Despite the district employing multiple licensed professionals in various skilled therapies and psychotherapy, the district refused to undertake any such planning nor even implement the parents' specific suggestions. The district staff leading the IEP meeting in Spring 2024 brushed off the concerns, stating that a specific plan was not necessary because the district anticipated no issues. This, although the staff agreed with the child's known deficits and challenges with transitions.

Unsurprisingly, those known deficits and challenges had the result the parents warned of, and the district's failure to listen and plan for them created significant problems. That child spent the first two months of kindergarten suffering severe dysregulation, social and academic isolation, and a total inability to access academics according to his teacher. This period also created incredible stress and time away from work for the parents, as well as added stress and challenges for the child's sibling as the family's focus was occupied with the consequences of the district's failure to create an appropriate individualized plan for the transition to kindergarten. This was a violation of multiple provisions of the law.

Example 6:

Similar violations of the law and harm to a child and their family occurred for another neurodiverse student in this district, but moving from fifth to sixth grade this past year. In the Spring of fifth grade with the school transition approaching, the parents recognized that familiar relationships, people, and routine were important for their neurodiverse child to succeed at school. The parents asked the IEP team to create an individualized transition plan. The IEP team, led by DeMay, refused to do so, and the result was disastrous. The student ended up having a terrible and wholly unsuccessful start to sixth grade. The parents withdrew the child from school because trust had been so damaged and the student was out of school for *months*.

The district's failure to appropriately individualize a plan for the student continued when the parents sought to return the child to McCracken. Based on clinical advice from the child's outside provider, the parents sought to have the school create a thoughtful return-to-school plan, including a graduated schedule that would ease the student back into a full day. DeMay refused. The basis for refusal was simply that this would not meet the expectations the school had for its students, utterly ignoring the school's obligation to individualize a plan that would serve to benefit the student and accommodate their disabilities appropriately. The consequence of this rejection, besides violating the law, was a less appropriate and more challenging return to the school environment for this child.

C. Refusal to Provide, and Document in IEPs and 504 Plans, Needed Services.

Several parents have the experience of this district refusing to give specific needed accommodations, either because this district ignored a formal request for an IEP or 504 Plan meeting, or because this district refused to put those needed accommodations in the plan. Students have had teachers who voluntarily provide those accommodations (because they are patently necessary), without the formal documentation, or students simply do not receive the accommodations they need.

Parents repeatedly report having experienced the district's refusal or rejection of requested services as something that the district "does not do" or is "against (an unwritten) policy," which essentially appears to be the will or preference of the administrator in charge of these decisions. However, the law does not allow the district to simply deny services or accommodations because it goes against their usual way of doing things. Decisions must be based on what the individual student needs, considering whether the accommodation or service has potential to address a deficit and support a valid goal. These denials based on unwritten district practices of policies convey fictional and illegal limitations on rights to services to parents, who in many cases have little independent knowledge of available services or their rights and presume the district is acting honestly and in good faith. This is dishonest and an abuse of power.

Example 7:

The parents of an early elementary child with selective mutism sought to involve the child's outside specialist to facilitate a verbal relationship between the child and the teacher and social worker. The child's disability was impacting social-emotional development and delaying academic growth. Specialized, time-bound intervention was needed, which is also considered best

practice in the field. The methodology for mitigating selective mutism in the school setting is highly specialized and not available from any district employee. Indeed, allowing this short-term intervention would also have eliminated the need for an IEP. Fortunately, the child's outside therapist was making themselves available for regular consultation with the district, at the parents' expense. The therapist noted they had done these types of interventions for other children with selective mutism at other North Shore school districts.

However, for no individualized reason, but instead because it was not how things typically worked at the district, DeMay refused. Her refusal meant the child would not get the benefit of the outside clinician's knowledge and support at school for their selective mutism and would need an IEP.

The parents consulted an attorney to challenge this unreasonable and unlawful decision. The attorney believed they could successfully challenge this decision. Unfortunately, the cost of a legal challenge was more than they could afford and so they ultimately abandoned pursuing a legal challenge. Without those services, the *child's progress, socially and academically, was delayed by years*, all because of DeMay's refusal to allow the provision of available specialist collaboration.

Example 8:

Another parent raised concerns about their second grader's reading challenges and asked for testing, but did not receive appropriate, timely attention to the child's needs. The request was made in 2021 during the COVID-19 pandemic. The parent expressed a concern about whether their child had a learning disability and noted that the parent had similar issues as a child and also had been diagnosed with a learning disability at the same age. The parent asked the teacher whether her child could get tested for learning disabilities. The teacher responded in writing that she also had those concerns about the child and had asked at school about the child getting tested but had been "shot down" by the "special education team." Further the teacher stated that the "special education team is not taking teacher recommendations for case studies at this time due to remote learning" Considering how the pandemic particularly increased challenges for students with disabilities, this communicates an extraordinary policy of negligence. It also violates multiple provisions of law including the district's Child Find obligations.

Ultimately, the child was not tested until about a year later and did not have an IEP until about 14 months after the initial inquiry about learning disabilities. The child later was diagnosed with reading and writing impairments. The delay in addressing the child's learning disabilities exacerbated both academic and social-emotional challenges for the child, who continues to experience serious consequences of both harms.

Example 9:

A first-grade child was experiencing challenges with anxiety, impulsive behaviors, and sensory differences. Their parent had the benefit of clinical expertise and support from a developmental pediatrician and therefore was able to identify that these challenges likely indicated neurodivergence. The parent understood that the child could benefit from accommodations and strategies, if they were tested and received particularized services. The parent asked the district to

carry out diagnostic testing of the child, flagging the clinical indicators that supported the need for testing. The district agreed only to collect time-on-task observational data and quickly defaulted to providing only social work, without having conducted comprehensive testing. This violates the law as a parent is empowered to request and have the school perform this testing in this circumstance.

In addition, when the parent requested documentation to confirm the ongoing delivery of direct social work minutes, the district only confirmed via email, assuring the parent that no changes would be made. The following academic year, the district notified the parent that the child was scheduled for only group social work minutes, via a letter sent home. The parent then had to make another request for the initially promised direct, individual services.

Example 10:

A widespread complaint of parents in this district regards the blanket denial of needed skilled therapy services for deficits the school decides are “not educational.” This manifests in the refusal of the school to provide services within the clinical practice of occupational therapy and speech language pathology, despite having both skilled services in the system. For example, although treatment of social communication disorder is within the clinical practice of speech language pathology and social communication is essential to kids’ ability to learn, the district reflexively refuses to provide social communication disorder treatment as part of its speech therapy minutes.

Similarly, where students have diagnoses for which occupational therapy services are warranted, the district routinely refuses to provide those direct services, unilaterally and unreasonably limiting the scope of provided occupational therapy services to a narrow list of deficits, such as fine motor skill development. This is also an area where inequity in the district arises. Parents with the knowledge and financial means to hire outside service providers who make recommendations to the school to provide Occupational Therapy or other direct services receive those services, however minimal, and after going to extreme, unnecessary lengths.

Example 11:

Another common experience of denial has occurred for parents who were interested to understand the potential provision of one-on-one (1:1) paraprofessional support. In particular, some parents have been told during the IEP process that the district will not provide 1:1 support, regardless of whether that may be what is needed to keep a particular disabled child in the least restrictive environment. Parents have even been left with the impression that attempts to pursue this type of accommodation would result in placement in a therapeutic day school. This stance contradicts the law.

Students’ services are to be determined by the IEP team in collaboration with the family. Special education services move through a continuum of services, and the district is required to move through the continuum of services, keeping the child in a less restrictive environment before moving to more restrictive settings. That continuum flows from the least restrictive to most restrictive environment (broadly) as follows: general education without support, before having an aide in general education, before receiving push-in support to general education, before having the

student leave general education for what is referred to as “push out” support, meaning leaving the general education classroom for some lessons. All of this precedes a student actually having a special education placement to any degree. Therefore, moving a student from a general education setting, or special education classroom setting without trialing and collecting data with the implementation of 1:1 support in the child’s home school, is an extreme violation of the student’s civil rights, and a poor and discriminatory practice.

Example 12:

Finally, parents report many instances of the district failing to respond promptly to their requests made on behalf of their children with disabilities. This includes circumstances of parents raising concerns regarding a child’s failure to meet educational goals and the need to convene for a revision to an IEP, but receiving only a slow rolling of the process. This has appeared as a total failure to respond, but at other times as providing only “social work” without actually conducting appropriate evaluation and testing, or setting an IEP or domain meeting at the farthest allowed date for no apparent reason, such that the failure to progress continues for weeks or months without attention.

Other parents have experienced delays or failures to respond to their attempts to connect district staff with their child’s outside providers in order to tailor services or accommodations promptly and appropriately. Then, while the district “slow rolls” or ignores an attempted connection with a child’s outside providers who had different views than the school or district about needs, accommodations, or placement, parents reported being rushed to sign domain paperwork, which begins the IEP process. Another instance of this includes an administrator who sought to persuade a parent that they should not ask for a 504 Plan for their child because the document would “stick with him,” impermissibly seeking to persuade families to eschew their child’s legal rights, as well as conveying a biased attitude towards children with disabilities.

D. Failure to Provide Even Planned Services or Accommodations

Unfortunately, even where services or accommodations have been planned in IEPs, 504s, and BIPs, those services or accommodations have not been consistently provided. Many parents have experienced a failure to provide required minutes of services, required behavioral interventions, and required accommodations. The widespread nature of these issues indicates poor oversight and a lack of any useful compliance mechanism to assure provision of legally required services.

In multiple cases, parents this year learned that services required by their child’s IEP or 504 plan had not been provided for weeks or even months.

Example 13:

A district parent learned months into this school year that their child’s service minutes had not been provided for a significant amount of time. Only after questioning the IEP/504 team’s suggestion of removing accommodations, and changing the format of service minutes without providing any data and sound reasoning, did the parent know that this was happening. The district did not inform the parent that service minutes weren’t being provided, and offered no compensatory services until the parent made the request. There is no indication the school would

have affirmatively told the parent of this violation of the IEP if the parent had not been attentive and curious.

Example 14:

Another parent learned several months into their child's sixth grade year at McCracken that their child's 504 accommodation plan was not being performed at all. It had been forgotten entirely and never assigned to any staff member. Therefore, the child's accommodations were not being provided for months this year.

Example 15:

Another parent repeatedly experienced being called away from work to respond to behavioral incidents by their child with an IEP and behavioral intervention plan, only to find that McCracken staff had failed to carry out the response steps set out in the behavioral intervention plan.

Example 16:

Students with IEPs who require a paraprofessional during specials (music, drama, PE, art, and STEAM) at Middleton are routinely being sent to a different homeroom class when a paraprofessional is unavailable. This means that neurodiverse and other students with disabilities are sent to a class not envisioned by their plan, with unfamiliar people, teacher, and settings, during a vulnerable time, including playing a new sport or performing in a drama class. This means they are not being supported with the plan set out in their IEP. This appears to be done because of an insufficient paraprofessional cohort, which essentially is a failure to properly plan for anticipated needs. Indeed, there is a general view that there is a shortage of paraprofessionals in the district, particularly at Middleton. This shortage is harming the provision of appropriate services to children with special needs.

E. Failure to Respect Other Rights of Students With Disabilities

Finally, families expressed frustration at incidents that seemed to show a lack of respect for them and their children, including concern for their physical well-being, reporting the following:

Example 17:

One family reported an incident at supply drop-off prior to the start of kindergarten that altered the course of their child's year such that the child left Meyer in the Fall 2024 and has not returned. At supply drop-off, the non-verbal autistic kindergartener was interested in a fidget laid out on a desk. When they picked it up, a paraprofessional got physical with them, trying to grapple it out of the child's hand. The parent reported watching the paraprofessional wrestle with their child and became concerned at how their child would be treated, particularly because of the child's inability to speak. The parents complained of this physical incident and raised their concerns. While the district apologized, the parent did not feel like the district took the issue seriously, nor addressed teacher training in response to the incident. The parent asked to attend a class day with the child in order to assess how their child was doing there, a request that was overtly refused at

first until the parent brought a clinical provider in to meet with the school. Although the tone then changed to at least admitting they should allow the parent's visit to class, the school raised various logistical obstacles that never allowed it to occur. While in kindergarten, the child also began to exhibit school refusal although they had been at Meyer preschool and had never avoided going into school previously.

Following the parent's complaints, DeMay suddenly emailed the parent to point out that their health certification had not been provided, and stating that their child could not attend school after a certain date without it. The parent has expressed feeling like their cultural differences and language skills prevented them from having their rights respected. The timing of the email and its contents indicated to the parent that the school was retaliating and the family did not feel safe with their child at Meyer. The parents withdrew the child from kindergarten. The child has been disenrolled, despite being a resident, with the family paying privately for her child's care and education since November 2024.

Example 18:

Two separate families reported their unrelated students witnessing McCracken staff treating and/or talking about another child with a disability disrespectfully at different times. When, in one of the instances, a witness child complained of the instance to a staff member involved, the witness child was admonished and told not to repeat what they had heard.

Example 19:

The district conducted clinical tests (vision and hearing) on a child without the parent's knowledge or consent, because of the district's intention to open a domain, i.e. begin the IEP process. They did so before the parents consented to the IEP domain meeting. When the parent complained of the violation, the district became aware that it had been a mistake made by the nurse, who said she misunderstood the information given to her by the student services team. Instead of being transparent about this error, another district staff member dishonestly stated to the parent that their child had been pulled as part of a general screening process and not because of a communication error, although that speaker knew that was not true. A staff member also falsely stated that because the nurse completes vision and hearing screenings yearly for students, those would not require parental consent in this situation.

Example 20:

Multiple parents complained of staff members introducing aides or strategic tools insensitively, including a recent incident where a strategic tool was introduced in front of peers, causing stigma and embarrassment.

In a similar situation with another child, McCracken staff introduced a tool that a student found humiliating and failed to effectively respond to the student's feedback about how the tool made them feel; now, the student rejects all tools to deal with this issue out of ongoing embarrassment.

Example 21:

Finally, several parents reported that, despite extensive testing, detailed IEP/504s and discussions with the IEP team about their child, teachers and staff members lacked an understanding of how best to interact with their children, including how to de-escalate conflict. Repeatedly, parents experienced essentially teaching the teachers how to engage in useful strategies with neurodiverse children. Parents even provide teachers with literature on how to work most effectively with a child with ADHD. The district has previously defended the failure appropriately to train general education teachers by calling it unnecessary because of the training and licensing of special education teachers. However, the requirement that students be in the least restrictive environment means that general education teachers and staff of all sorts need this training, not just special education teachers.

For example, the parents of an autistic child with extreme demand avoidance, which was documented in the IEP and discussed in meetings, had to repeatedly explain to staff members what that meant and how to (and how not to) interact with their child so as not to increase behavioral issues, and be able to engage the child in learning. Another parent had to purchase a book about how to effectively manage ADHD behaviors to give to school district staff because of their repeated mishandling student behaviors caused by the disorder.

This is not the role of parents. The school has the responsibility to effectively train teachers and staff in how to execute the strategies in IEPs and 504s—the strategies that will allow disabled children to achieve success in the most integrated setting—and it is apparent that the district is failing to meet that obligation.

E. Inappropriate and Disproportionate Discipline Being Levied Against Disabled and Neurodiverse Children

Many parents in this district report discipline levied against their children following the district failing to appropriately accommodate their child’s disability and/or follow their behavioral intervention plan. This regularly includes their children experiencing discipline for behavior that is a manifestation of the child’s disability, sometimes with the disciplining official espousing little or no knowledge of the child’s 504 Plan or IEP in conversation with the parent following the discipline. This inappropriate discipline also is the consequence of a failure of training generally in educating general education teachers and staff members in de-escalation techniques, and communication strategies effective with neurodiverse learners.

Several parents have reported their neurodiverse children experiencing social communication challenges including being overwhelmed by anxiety, which the district and staff fail to properly address, with the result that the neurodiverse child is disciplined for things like elopement out of the classroom. This issue is particularly notable for the population of students who were socially isolated for a year or more during the COVID-19 pandemic. In particular, following the COVID pandemic, neurodiverse and other disabled children who were socially isolated faced unique challenges reintegrating into a social dynamic. The failure to appropriately address their needs following the remote schooling and isolation during the pandemic means many are suffering challenges that continue to this day in integrating successfully into the traditional learning environment.

The district's inappropriate use of discipline has had significant ramifications for students' academic progress and mental health, created major setbacks in therapeutic care, and increased school refusal.

Example 22:

Improper discipline was involved in the circumstance of the neurodiverse sixth grader who is discussed above in Example 6. The child had struggled with the transition to McCracken, because of the district's failure to engage in proper planning and support. During the beginning of school, the child experienced distressing communications from staff that did not consider the neurodiverse child's accommodations, resulting in the child reacting with significant dysregulation, and then facing discipline. The experience was so distressing for the student, they refused to attend school for several months. However, the improper disciplinary attitude did not end there. When the student's parents sought to reintegrate the child into the district, and proposed an individualized plan created by outside providers for that purpose, DeMay rejected it and indicated the student would be in violation of school rules if they did not immediately attend school in the same manner as neurotypical children. This default punitive response with disabled or neurodiverse students is a gross violation of the law and serves no purpose other than to enforce ableist conformity and punish neurodivergence.

Example 23:

At McCracken this Fall, a neurodiverse student with an IEP and a history of trauma, anxiety, and depression left the classroom (but not the school) after becoming overwhelmed and distressed after being asked to stop using a preferred disability aid. Elopement was a clear manifestation of the student's disability and the student should not have been addressed punitively for needing to find a safe space to reset a dysregulated nervous system. However, the school's administrators referred the student for discipline instead of seeking to determine what circumstance was triggering this neurodiverse child's flight or panic reaction, and address that, as required by law. Administrators repeatedly pointed to the school handbook as justification for their disciplinary response when asked why they were not working to identify and resolve the source of the student's intense anxiety and sense of fear.

This student faced further disciplinary consequences after calling a parent to confirm that they had a testing accommodation that was refused by a teacher who said it was not needed because the classroom was at "level zero," referencing the sound level. Both parent and child thought that this accommodation was already in the IEP because most other teachers regularly permitted the child to test in a quiet environment through MTSS.

These repeated cases of inappropriate discipline tied to the student's disability caused psychological harm to the parents and family for a significant part of the school year, setting back multiple therapeutic goals and forcing the family to spend thousands of dollars on an advocate. This child, who used to look forward to going to school every day, now misses class multiple days per month due to headaches, stomachaches, and sore throats that disappear after leaving school.

By responding to this student's disability-related behaviors and attempts to self-advocate with punitive measures rather than support, the school not only violated the spirit of the IEP but

also undermined the student’s developing ability to self-advocate—teaching them that seeking help or using accommodations can lead to punishment instead of understanding.

Example 24:

Similarly, a neurodiverse Middleton student with an IEP relating to multiple diagnoses was facing social challenges at school but receiving discipline for ensuing verbal outbursts. The parent advocated to the school regarding the context and conditions preceding the student’s dysregulation. That context related to a social dynamic that the neurodiverse child was struggling to navigate. The school dismissed this connection and focused on a punitive approach.

However, the social dynamic impacting the neurodiverse child’s struggles were so concerning to those who knew and cared for the student that a trusted community member who had witnessed the social context creating the dysregulation took it upon themselves to come to Middleton and explain to the school administration what they had seen preceding the stressful dynamic at school. While that was kind, it should not have been necessary. The administration dismissed this firsthand account in any event, and continued to avoid looking at the whole context of the neurodiverse student’s dysregulation.

This refusal to acknowledge that a child’s known disability-related social communication and regulation issues affect their reaction to social conflict is truly bizarre and not serving our children. It also avoids the affirmative obligation to find supportive tools or treatment for the issue. When a neurodiverse child with an IEP is experiencing dysregulation, the administration should be listening to parents and paying attention to the unique needs of those students, instead of dismissing them and responding punitively.

II. ABUSIVE TOOLS AND TACTICS USED TO CARRY OUT HARMFUL AND UNLAWFUL PRACTICES

The systemic failure to provide appropriate services and accommodations has been enacted and enforced through numerous abusive tactics.

A. Culture of Fear and Silence Among Teachers and Professional Staff

As part of DeMay’s unilateral decision-making, the opinions of teachers who have the most knowledge regarding the student in question are regularly diminished or ignored if their view is in conflict with DeMay’s desires. Teachers have shared with us on condition of anonymity that DeMay routinely disregards teacher and professional staff member opinions about disabled and neurodiverse students’ needs. This anonymity is necessary because of fear of reprisal despite the fact that public employees such as those who work for the district have First Amendment rights that their local government employer may not curtail, although those rights appear to be violated by this culture of fear and silence.

District employees have admitted that fear of being fired or moved to a different teaching assignment as punishment has stopped them from speaking up as DeMay was engaging in an unlawful predetermination prior to the IEP meeting. Another teacher reported challenging DeMay’s conduct in unlawfully discharging a student from services despite their obvious

continuing need for them, and having DeMay admonish the teacher publicly for doing so. There is no indication that DeMay reported to her supervisor or the Board reports of misconduct against her as standard professional practices would dictate.

Multiple parents have reported teachers and staff members collaboratively supporting parents' requested services or placement plans prior to IEP meetings, only to suddenly find teachers are silent once in a meeting with DeMay. In this way, the culture of fear and silence is depriving students from the honest input of those who know their abilities and challenges very well.

This toxic culture discouraging teachers from advocating for students with disabilities unfortunately did not begin with DeMay, however. A parent reports that, years past, one of the district's dearly beloved kindergarten teachers who really "got" kids with disabilities and advocated for them to get early intervention was downgraded and forced out of the district because of their efforts for those students. Teachers and staff members need to be empowered to be honest and ethical, so that our children get the education they are granted under the law.

B. Dismissive, Inaccurate Communication Regarding Current Special Education Climate

This year, our community of parents of children with disabilities has been very attentive to the new presidential administration's communicated plans to cut funding for special education and reduce or close the departments that enforce anti-discrimination in education laws. Naturally, our community has been very concerned about how the changes will affect our children and has been seeking attention to this from the district. However, instead of providing sensitive and accurate information for our school community, the district's administration provided superficial and inaccurate information along with anti-public school propaganda.

Specifically, the February 21, 2025 Weekly began with a section titled "Proposed Changes to U.S. Department of Education." That section failed to provide accurate information regarding the risks from the administration's planned (and later executed) changes. We expect that a district full of educators would know how and where to find accurate information about the programs and funding affected, and the actual effect on diverse learners. Instead, it provided a few sentences of superficial and dismissive talking points, essentially headlines that the plans would make the department more "efficient," provide for "less federal oversight and regulation," and increase "options for school choice."

For public education professionals who administer federally protected special education programs to provide only this inaccurate propaganda was truly offensive. When this group sought to discuss this failure of communication with the district, we were stone-walled by the communications manager. This occurred in mid-February after Superintendent Hightower had retired abruptly and while DeMay was the highest-ranking administrator in the district. When we asked the communications manager, who oversees publication of The Weekly, who to discuss the matter with, she responded that the information in the section "came from the attorney we contract with to represent the district" and that she "added the three resource links," which included a link to a pro-school voucher lobbying group, without identifying it as such.

We find that response concerning. Particularly, we are confused why the district paid a lawyer to provide a few sentences that conveyed no legal analysis or advice. The fact that our request to speak with someone within the district about it was refused by the communications manager also was improper. However, we know from the district's attorney that her client contact at this district is only DeMay, and so we understand DeMay would have been the person engaging the attorney for this purpose. If the district did pay counsel for those few sentences that conveyed no legal analysis or advice, that was a waste of taxpayer funds, and doubly wasteful since it provided nothing of actual use nor accuracy for our community.

Most importantly, none of this indicates a sensitivity to the concerns of disabled students in special education, whose families are deeply concerned that their children's rights and services are risked by current funding cuts and department reductions, including the significant reduction in the Department of Education's Office of Civil Rights which enforces the federal laws against disability discrimination in education that are discussed above. A dismissive attitude towards these issues does not convey a concern for the disabled student community, nor does the refusal by the district to provide the identity of a district staff member with whom to discuss our concerns.

C. Excessive Use of Taxpayer-Funded Attorney to Enforce Improper DeMay Decisions

DeMay routinely invokes counsel, incurring taxpayer-funded fees to pay an attorney, in instances where any parent challenges her decision, without first assessing whether the parent is correct, and with no oversight into this practice. In addition to using the attorney almost reflexively whenever challenged, DeMay also presents a tortured and incorrect interpretation of the law, off the cuff, to reject out of hand reasonable and appropriate requests from both parents and staff members, without a valid basis for doing so. Essentially not only is DeMay abusing her power and authority regularly, she does it under the façade of law with an attorney paid for by us.

There are numerous examples teachers might provide, but one example comes from a parent: One parent experienced DeMay refusing a requested accommodation related to available tools at an IEP meeting then told the parent if they do not like it they can request a disability accommodation from Courtney Stillman, who she refers to as "District Attorney."² Stillman apparently did not protest being used in this way, but, when the parent reviewed the district's written policies, the parent found that the authorized individual to decide on an accommodation for a parent was the Superintendent, who at the time was Hightower. Only when the parent confronted Stillman with the written policy did Stillman agree that neither she nor DeMay actually had the authority to determine whether a parent received an accommodation themselves, in this case the right to record an IEP meeting, although DeMay had already purported to deny that requested accommodation.

² It is worth noting that this term is misleading, in that it conveys importance to this person's views. "District attorney" is typically a term used for a law enforcement officer or prosecutor, and brings with it an indicia of the power to say what the law is or at least what the government says the law is. However, Stillman simply is a private lawyer at a small law firm who is the district's lawyer, paid for by district taxpayers, whose role thus far has been to seek to force parents to comply with DeMay's demands, not to be an honest broker of the parent's rights or options.

DeMay also routinely uses this taxpayer-funded attorney to intimidate parents, including engaging the attorney simply to attend IEP meetings to intimidate parents who complain about DeMay's improper conduct. In addition, DeMay routinely refuses appropriate placements or services, as described throughout this report, safe in the knowledge that parents rarely can afford their own counsel to challenge these decisions, but that DeMay can use a taxpayer-funded attorney to seek to enforce her decisions, as the attorney takes her instructions only from DeMay (which the attorney confirmed to one of this report's authors). The result is an incredible waste of taxpayer resources, an incredible waste of the individual family's resources, and a startling abuse of power.

D. Manipulative Misrepresentation of Behavioral Data

The district has used data manipulatively to misrepresent a child's needs and functionality, as part of an effort to persuade families that may not have sophisticated data analysis skills to agree to the district's predetermined placement choice. This is done through a simplistic approach that has failed to use data in the most useful way, in order to identify patterns and then look at the context and triggers occurring at that times or transitions that are resulting in the child's dysregulation.

For example, the district uses numeric representations of student behavior, with the number one representing behavior conforming precisely to teacher expectations through to number five representing the most problematic or challenging behavior. The district then tracks behavior and assigns it with those numbers, informing parents through behavior intervention reports when behavior is assessed at a four or five. Unfortunately, the district has engaged in the practice of presenting charts to parents that misrepresent that data.

In particular, the district has presented parents with charts purporting to reflect their child's day in blocks, using colored blocks that purport to show how much of their child's day was spent exhibiting the numeric behavior level. This has been used at IEP meetings as support for the predetermined placement decisions described above, in order to convey the impression that a student was at that numeric behavioral level for a certain period of the day. However, we have identified instances (and there may be many more) where the periods blocked and shown as if the student was at a particular numeric behavioral level do not match the documented time periods in which students were at those numeric levels in the underlying behavioral reports.

More specifically, a chart was presented to parents showing blocks representing *hours* at a behavioral level number five whereas the underlying behavioral reports showed a period of thirty minutes at that level. This was used in one the meeting described above in Example 2, in which DeMay and employees working for her sought to support an improperly made predetermined placement by stating that a child was at a level 4 or 5 for a high percentage of the day—much higher than the minutes of those levels reflected in the underlying behavioral reports. The parents identified the misrepresentation to staff, who said that they were aware the percentage and time period shown in the blocks was greater than the minutes of dysregulation that actually occurred. They said nonetheless they made that presentation as part of their usual practice (a practice of misrepresenting the percentages conveyed).

It is extremely concerning that false charts have been used to persuade parents to agree to unlawfully predetermined placements. A parent without a sophisticated understanding of

appropriate data analysis may not have recognized this misrepresentation or, if they were concerned about its potential inaccuracy, lacked the confidence to reject it. Because of the district response to the parents who did identify the chart's misrepresentation, in that they did not state it was a mistake but instead conformed to their practice, we believe this is likely to have occurred with other parents without them identifying it. We encourage parents to review behavioral charts showing blocks of time in comparison with the time at the behavior reflected in underlying behavioral reports.

In addition, the district has not been using the behavioral data they collect in the most useful way, which would be to identify patterns that could serve to understand *where* triggers lie, or who triggers are, in a child's day. Using the data simply to try to pressure parents instead of using it to actually improve the child's educational experience is a gross misuse of this tool.

E. Misrepresentations and Material Omissions in IEP and 504 Meeting Notes

The families from Examples 2 and 7 above both experienced reviewing district-provided notes from contentious IEP or 504 meetings only to find that the notes taken did not reflect the crucial exchanges from the meeting. As described above in Example 2, the notes of the IEP meeting misrepresented the meeting and failed to include key events relevant to the placement conversation that occurred. It was only because the parents closely reviewed the materials following the meeting that they were able promptly to provide an accurate addendum to the meeting record. We urge parents to closely review the notes from the IEP and 504 meetings for completeness and accuracy and submit addenda where those notes do not reflect the key communications from those meetings.

II. SYSTEMIC FAILURES AND BARRIERS HARMING STUDENTS' RIGHT TO A FREE AND APPROPRIATE PUBLIC EDUCATION, INCLUDING SPECIAL EDUCATION AND DISABILITY ACCOMMODATION

The experience of children and families in the district appears to be a direct consequence of the systemic failures and barriers that have contributed to this situation.

A. Absence of Inclusion Policies and Leadership

At the Board level, there is a lack of appropriate policies and committees focused on these issues. This district lacks a true inclusion policy as well as a cross-sector inclusion leadership team, akin to that whose makeup and role is described in the HHS Inclusion Policy Recommendations for Local Action.³ While a policy is only useful if its terms become practice, an inclusion policy is still important as an anchor. It should at least have the following elements:

- Acknowledgement of differences: Clearly state that the school recognizes and values the diversity of abilities, including neurodiversity among students.

³ U.S. Department of Health & Human Services' Policy Statement on Inclusion Of Children With Disabilities In Early Childhood Programs, Recommendations for Local Action, pp. 32-48 (Nov. 2023). This guidance is useful not just for the district's programs for preschool and early elementary, but more broadly for ensuring inclusion generally, across the three schools.

- Positive framing: Focus on the strengths and unique perspectives that differently abled and neurodiverse students bring to the learning environment.
- Supportive environment: Emphasize the school's commitment to creating a safe and inclusive space where students feel comfortable disclosing their needs.
- Accommodations and flexibility: Highlight the availability of flexible learning approaches and accommodations to support diverse learning styles.
- Open communication: Encourage students and families to openly discuss any needs or concerns with educators.

B. Absence of Caregivers' Council With Material Role in District Decision-Making

In past years, individuals in our group previously sought to include disability-focused equity in the Board's Equity Committee mission, giving the Board the benefit of caregivers of special needs children. That request was rejected at the time, and the voices of the disabled student community dismissed.

The district's failure to partner with the special needs and diverse learner stakeholder community, to allow families like ours with material input into district or school-level decisions that particularly affect our kids, has allowed this widespread problem to reach its current peak. Families like ours have been isolated and unrepresented; our voices unheard. That needs to change. Many school districts in the northern suburbs have a caregivers' council of parents like us. These caregivers' councils are involved in hiring decisions, establishing disability-informed school policies, and planning and delivering programming, mediation, and mutual aid supporting the caregiver community. This district needs to have such a council who have significant input in district-level decisions that particularly affect our kids with special needs. This can and should be promptly addressed.

C. Failure of Strategic Planning for Needs of Students With Disabilities

The recent strategic planning in this district gave only superficial attention to issues related to students with disabilities. For example, during a stakeholder SWOT analysis, district staff refused to record the needs of students with disabilities after it was suggested as an area of concern during group discussion. Given the disproportionate impact of the global pandemic on students with disabilities, the district's resistance to meaningful engagement with families of diverse learners has lasting harmful effects. This analysis should be revisited to provide active strategic planning to remedy pandemic harms as well as those that have been created from the widespread failures discussed herein.

D. Lack of Oversight of Administration of Special Education and Disability Accommodations

The circumstances described above in Section I. reflect a total lack of oversight and compliance in the administration of special education and disability accommodations. This is apparent in that DeMay has felt empowered to violate the law so pervasively, silence well-

intentioned teachers with fear, and use the district's lawyer to prevent the revelation of her own misconduct against the district and families. This is further apparent from the families who report learning their students' services were not being provided, or even that their 504 Plan had entirely been forgotten. This reflects a wholesale lack of proper protocols and leadership to ensure compliance with the law and provisions even of promised services and accommodations.

E. Failure to Properly Train All Teachers and Staff to Work with Neurodiverse and Other Disabled Students

As discussed above in Example 21, the district is not effectively training its teachers and staff in order to effectuate the rights of students with disabilities. In the past in this district, efforts to have general education teachers trained to work effectively with students with disabilities was dismissed as unnecessary because, the notion was, special education teachers are so trained. However, the failure to train general education teachers to work with our children does not support their success in the least restrictive environment, as many students who are neurodiverse and/or have 504 Plans or IEPs are in general education classes for all or part of the day. Therefore, even if special education teacher training was sufficient (which is not clear at all), that would not satisfy the district's obligations. Furthermore, the district's failure to educate general education teachers about disabilities makes it difficult for classroom teachers to meet their Child Find responsibilities.

We see little evidence that the district provides sufficient ongoing training to prepare our educators to meet students' complex needs. Most general education teacher training programs do not provide adequate preparation for how to support students who learn differently – this lack of preprofessional training makes in-service training all the more important. Our district has made significant investments in providing training for teachers who wish to improve differentiation provided to gifted students and those who wish to improve racial equity in their classrooms (e.g., book clubs, graduate classes, special committees and working groups), but these deep dive learning opportunities are not provided for how to better understand and serve students with disabilities.

Again as described above, parents routinely are educating teachers and staff members on strategies for interacting with neurodiverse children. This is distinct from informing a teacher or staff member about the quirks of an individual child. Instead, parents are having to educate staff on broad principles and strategies that should be within the knowledge of teachers and staff who interact with students with disabilities. The district should be providing this training and require teachers and staff to take it. Furthermore, many teachers and staff do not appear able to understand IEPs and 504 Plans. This too should be part of required and continuing education.

F. Lack of Transparent Data-Informed IEP/504 Plans

As discussed more fully above in Section I., parents have experienced IEP/504 documents that lack any or sufficient data to support team recommendations to add or remove accommodations, make placement decisions, or otherwise affect services being provided.

The IEP/504 process is often rushed and lacks appropriate data. Paperwork is often changed after meetings but not in accordance with the agreements reached. Parents have experienced pushes by the team to remove accommodations based on teacher narratives and current setting, not considering the adverse effects of the students' disabilities. Specifically,

IEP/504s are reported to be written for the moment, not considering the fluidity and spectrum of students' disabilities such as emotional disabilities, anxiety, ADHD etc. Parents experience IEP/504 plans that do not consider parent and outside providers' reports of the needs for accommodations for their children. This process needs serious quality control in every way.

G. Failure to Properly Comply with District's Child Find Requirements

The district is failing to comply with Child Find requirements under the Individuals with Disabilities Education Act (IDEA). Those require schools to identify, locate, and evaluate children with disabilities. Based upon our experience and investigation, the district is failing to satisfy this requirement.

This failure has happened not only when children submitted to preschool developmental screening sought by parents, but also following a child showing academic or other deficits while in general education. General education teachers must receive adequate training about disabilities so that they can identify issues that may require further assessment. General education teachers and also interventionists are in a prime position to identify children who need support. However, the lack of training and culture of denying services is hindering this identification.

Example 25

First, several parents of children with disabilities in our district have reported that identification of the child's needs did not occur, despite the parent raising questions and concerns to teachers about behaviors or test data that seemed to indicate the child might have an undiagnosed disability. This includes parents who brought their child to the early developmental screenings held by the district, only to have the district conduct a screening that failed to result in provision of services. In some instances, the result of the screening process was simply that parents never heard from the district again regarding the screening or its result. These same children who were denied services following the preschool screening requested by their parents later had significant disability-related behavioral and academic struggles in this district.

Example 26

The district's failure to meet its Child Find requirements predates DeMay, indicating long-standing issues within the district. One family, concerned that their previously avid reader was not making the transition from picture books to chapter books as expected, asked multiple teachers about their concern. Eager to allay the parents' concerns, teachers reported that they remained unconcerned about the child, who was compliant in class and was still able to pass grade-level expectations despite falling test scores. Two years after these inquiries began, the child was finally diagnosed with vision convergence insufficiency by an eye specialist. Common after concussion, this disability creates double vision and line-tracking issues that make reading impossible, but is relatively easily fixed with correct identification and (expensive, external) vision therapy, which is not provided by the school district. This student was only able to gain an ability to read because of the family's ability to identify and secure necessary external expertise and therapy, but the damage remains long-lasting. Had the teachers followed up on the parents' concern when first expressed, the child could have received appropriate support at a critical stage in reading acquisition.

While those families were later able to receive appropriate diagnoses from external medical or neuropsychological testing, the late identification of students' disabilities delayed appropriate accommodations and necessary interventions. We are particularly concerned about the district adhering to Child Find requirements for families that may not be able to afford or have the knowledge about how to navigate getting complicated assessments outside of school.

Example 27

Even children identified for intervention have been discharged from skilled therapy at school, while still needing the service, where the parents had not themselves sought to invoke protections under Section 504. A district teacher shared with our group that a student with obvious speech delays was discharged from the MTSS program at the direction of DeMay because the child did not have a Section 504 Plan. However, the teacher is not aware of any effort by DeMay or anyone else to inform the parents that the child still needed services and could continue to receive services through a Section 504 or individualized education plan. In any event, this artificial barrier created to deny services to a child who needs those disability services violates the Child Find requirements as well as the IDEA and section 504 more broadly, in addition to state law.

Action Plan

The report committee proposes actions based on their knowledge of the current deficits described above and their own awareness in this field. Several of them are obvious and should be undertaken promptly. For the long term, and to most appropriately correct the state of disability education in this district, the district should undertake a detailed assessment by an independent third party with expertise in building disability and neurodiversity affirming school environments, in order to create a comprehensive plan to resolve these issues and provide the required free and appropriate public education in the least restrictive setting to our children.

H. Terminate DeMay as Director of Student Services and Terminate Agreement with District's Attorney Who Operated Abusively at Her Direction

DeMay should be terminated immediately as the Director of Student Services. More specifically, she should be removed from her authority to direct counsel and incur counsel costs and to make placement, service, or accommodation decisions regarding children with disabilities.

The Caregiver Council proposed above should have a material voice in the hiring of a replacement, including reviewing the job description. The role of the Director of Student Services must be clearly defined as service to our students, not denial of their rights. DeMay is an employee of a taxpayer-elected Board and her actions violate the civil rights of students with disabilities and waste taxpayer dollars seeking legal counsel to further her violations of the law. We demand that the district instead invest those funds to appropriately support students and teachers, which is best practice educationally, likely to cost less, and lead to better outcomes for students.

The Board should also immediately cancel the retainer agreement with attorney Courtney Stillman and her firm. The incoming Superintendent and/or the Board should undertake to review the past services and billing related to the firm in order to determine whether it is appropriate to take legal action for recoupment of legal fees expended by the district in which proper deconfliction was not undertaken, particularly to determine the extent to which Stillman has been

used to avoid detection of improprieties by DeMay and other ethical violations, and/or report Stillman to the Illinois State Bar if appropriate.

I. Establish Effective Oversight and Compliance Mechanisms

The failure of too many licensed professionals in the district to identify these problems and seek to remedy them before our group of parents did indicates an incredible failure of oversight and compliance. The district should undertake to establish effective oversight and compliance mechanisms beginning with:

- A review of why other administrators and professional staff did not (assuming they did not) report DeMay's abuses of power and unlawful conduct to the previous Superintendent and/or the Board, and retraining of those individuals, if that provides a sufficient remedy;
- Creation of multi-pronged oversight and compliance practices to ensure that required services and/or minutes are being provided, and that accommodations or special education services are being effectively overseen. These practices should not allow weeks to go by without services or minutes being provided, as has been happening;
- Training for all staff to identify deficits and needs for testing in children, in order to comply with Child Find obligations;
- Institution of standards that include big picture planning for children with special needs, including comprehensive transition planning;
- Creation of ethically appropriate, conflict of interest oriented, reporting protocol following allegations of impropriety or misconduct made against an employee. That protocol should not involve the accused employee being involved in investigating or adjudicating allegations against themselves, as has been occurring; and
- Establish an independent appeal process that allows families to challenge any disciplinary action or documentation affecting students with disabilities—including entries in permanent records—while also implementing safeguards such as timely parental notification, third-party oversight, established procedures to investigate what triggered student behaviors, and a family advisory committee to ensure transparency, accountability, and the protection of students' rights. Staff training or external resources that help staff ground their responses in neuroscience and pedagogical best practice may be required as an element of the appeal.

J. Establish Caregiver Student Advocate Council

A Caregiver Council made up of caregivers of students with disabilities should be established to improve relationships between the families with students with disabilities and give them a voice in decision making. The district also can use this council to rebuild trust between student advocates and the district. The Caregiver Council needs to have material input in decision

making including district policy, the employment of staff members working in or overseeing special education, and promoting awareness and best practice related to disability.

K. Engage an External Consultant to Review School Policy, Staffing, and Practice

District 73.5's structures for meeting the needs of students with disabilities are now in crisis. The district should retain an independent third-party consultant with expertise in establishing school systems that promote the academic and emotional wellbeing of students with disabilities. This consultant should be expected to interview families directly impacted by the events described in this report and others to make informed recommendations about how the district can improve its IEP/504 practices and procedures, create neurodiversity-informed discipline and grading policies, and build inclusive and welcoming school environments.

L. Create Accountability for Student Belonging

Many students with disabilities do not feel welcome or supported at school. Over time, feeling excluded or “less than” damages students’ sense of self-worth, confidence, learning, and ability to engage. For example, researchers estimate that, by the age of 12, kids with ADHD receive [20,000 more negative messages](#) and critiques than their peers without ADHD. According to the [National Center for Learning Disabilities](#), learners with learning and attention disabilities:

- Enroll in college at half the rate of their peers
- Complete college at less than half the rate
- Are three times less likely to be employed (30% unemployment rate)
- Have a 1 in 2 chance of involvement in the carceral system

– even though [research demonstrates](#) that with proper support, students with disabilities can achieve their full academic potential. Studies indicate that 90% of students with learning differences can achieve at grade-level standards when provided appropriate educational support. This trend is most acute in schools serving low-income and [Black, Indigenous, People of Color \(BIPOC\) students](#) with disabilities.

Locally, too many District 73.5 students with disabilities have histories of suicidal ideation, self-harm, school refusal, and disengagement because of the district’s failure to create a culture of student belonging. Making schools welcoming spaces for students with disabilities is **urgent equity work**, especially in light of recent threats from the federal government and the prolonged impact of the pandemic.

To create welcoming spaces for students with disabilities, and hold itself accountable for making school welcoming for all students, we ask the Board to:

- Establish a Student Advisory Council of current and former students to advise the school district about ways to make the school district more neurodiversity-affirming and disability-friendly.

- Consider the input of parents of children who may not be in a position to articulate what might make school feel better.
- Involve students and parents in planning teacher professional development related to disabilities.
- Create neurodiversity-affirming spaces with intention and care. Neurodivergent students need spaces where they can feel welcome to be themselves without masking, where neurodiversity is seen as a strength or asset as opposed to something that must be “fixed.” Consider establishing spaces where older students with disabilities can mentor, tutor, or just hang out with younger students with disabilities to help students make supportive connections, encourage a positive sense of self-worth, and inspire role models.
- Craft tools and systems to help school staff avoid overcorrection and focus on positive feedback. Many students with disabilities suffer from rejection sensitive dysphoria—severe emotional pain because of a failure or feeling rejected. The brain shuts down when the child perceives criticism or rejection. Teachers who focus on the students’ strengths and positive behaviors will see more successful student outcomes.
- Teach all children and school staff about neurodiversity and disability. One challenge with our current system is that we spend all our effort trying to “fix” neurodivergent brains (i.e., make students with disabilities behave in neurotypical ways, echoing strategies that Indian boarding schools used to assimilate native children into white society). The social model of disability teaches us that disability is disabling because of societal barriers and attitudes. We can use our curriculum and school systems to challenge stereotypes, promote advocacy, and create meaningful inclusion by sharing the responsibility to create neurodivergent-affirming spaces between the child, their teachers, and their peers. For example, we encourage the Board and school leadership to consider conducting a strategic review and expansion of book selections to include more titles that authentically represent neurodiversity and disability in classroom assignments and library offerings.
- Work with local partners, such as the Skokie Public Library and District 219, to create wraparound supports to support students’ needs (e.g., tutoring) and wellbeing.

M. Inclusionary Practices & Institute Trainings

Disability and special education research continuously find that students with disabilities properly serviced have the greatest success. Research also states that students without disabilities also benefit. For best practice inclusion to occur, research indicates that school wide starting with administration leads to the greatest success for students with disabilities and students who need extra support. The district must shift to environment-focused approaches to enable participation in schools. Behavior and practices of classroom teachers have a significant impact on the educational and social outcomes of students with disabilities. Research studies underscore the importance of the school environment and teacher attitudes in shaping the success of students with disabilities.

Inclusive classrooms and school spaces, where students with and without disabilities learn together, are beneficial for all students. However, the success of inclusion depends heavily on the

attitudes and practices of educators. For instance, published research on students with dyslexia in general education highlights the need for more comprehensive teacher training on disability models and best practices. This is essential to ensure that students with disabilities receive the accommodations and support they need to succeed. Also critical is proper support staffing, including having a sufficient complement of therapeutic professionals and paraprofessionals who likewise are well-trained.

The district has invested in highly qualified teachers and staff who should be provided with continuous training to support them in best practices to make inclusion best practices for everyone. The current body of research highlights the importance of inclusion and the positive impact it has on students with disabilities when supported by appropriate accommodations and a positive school culture.⁴ It is the role of district administrators to establish a culture of inclusionary practices and culture. This means that all staff are trained and informed on best practices in interacting and including students with disabilities.

Professional organizations such as Council for Exceptional Children, National Association of Special Educators, and Children and Adults with Attention-Deficit/Hyperactivity Disorders, and ADDitude as well as numerous others provide free and low-cost training and materials to support inclusion training for all school staff. Resources such as *The Teacher's Guide to ADHD School Behaviors* by ADDitude is recommended as well as their other webinars and articles. District-Wide administrators including the Superintendent's office should apply to be part of the [All Means All](#) Cohort, to gain strategies and support in more fully developing an inclusionary school.

A large and important aspect of creating an inclusionary environment is how student behavior and emotional situations are addressed and supported by school staff. All staff need to be trained in de-escalation strategies, these strategies provide all staff with the tools to support students in need and maintain a positive learning environment. Illinois law requires special education teachers and any additional school staff who may be involved in Isolated Timeout/Restraint to receive training according to 23 Ill.Admin.Code.1.285(i) and 105 ILCS5/10-20.33. The Illinois State Board of Education states, "The adults trained under this Section must be provided a copy of the district's policies on isolated time out, time out, and physical restraint. For adults supervising these techniques: Training is required in the following areas: crisis de-escalation, restorative practices, identifying signs of distress during physical restraint and time out, trauma-informed practices, and behavior management practices. For adults administering these techniques: Annual systemic training on less restrictive and intrusive strategies and techniques to reduce the use of isolated time out, time out, and physical restraint based on best practices and how to safely use time out and physical restraint when those alternative strategies and techniques have been tried and proven ineffective. This training must include all the elements described in 23 Ill.

⁴ Efthymiou, E., Kington, A., & Lee, J. (2017). The development of inclusive learning relationships in mainstream settings: A multimodal perspective. *Cogent Education*, 4(1). <https://doi.org/10.1080/2331186X.2017.1304015>; Meuser, S., Piskur, B., Hennissen, P., & Dolmans, D. (2022). Targeting the school environment to enable participation: A scoping review. *Scandinavian Journal of Occupational Therapy*, 30(3), 298-310. <https://doi.org/10.1080/11038128.2022.2124190>; Norman, M. (2024). Students coping with dyslexia in general education classrooms, *National Association of Special Education Teachers LD Report*.

Admin. Code 1.285(i) and must result in the receipt of a certificate of completion or other written evidence of participation.”

This report does not propose any use of isolated time outs or restraints but utilizes this state law to highlight the need for training of all staff in the areas of, “crisis de-escalation, restorative practices, identifying signs of distress.” Students with a wide variety of disabilities as well as general education peers experience times of high stress and emotion and properly trained staff leads to better outcomes and restored relationships adding to a positive school environment.

A vital part of this is to provide teachers, paraprofessionals, lunchroom staff, and others, with the proper education and training in disability and accommodations. Training/teaching students and parents in the community also leads to better outcomes. There are many not-for-profit organizations that provide training and district service providers could also provide no-cost training, such as Council for Exceptional Children, Have Dreams, CHADD.

N. Increase Transparency and Community Connection

The district needs to increase transparency and create transparent community connection on these issues. Parents complain of a lack of clear and consistent communication, both with staff members who are already involved in their children’s service provision and when trying to seek out who to talk to about a need for services for a child not yet tested. Parents also express a desire for transparent communication about district actions and planning related to disability community stakeholder issues, like the communications complained of above surrounding current events with federal special education funding and discrimination enforcement. The transparency sought also relates to a desire for a community conversation that includes information on applicable rights and available services, but also one that would allow stakeholders to connect and ask questions of district administration.

Parents also express a desire for transparency about their needs and lives with the broader community. For example, they seek a community conversation on these issues between families of students with and without disabilities, so that parents of students *without* disabilities can better understand disability including neurodiversity, receive anti-bias education, learn what special education is and what it is not, as well as how good anti-discriminatory special education practice is good practice for all students.

Conclusion

The report committee implores the Board and incoming Superintendent to undertake comprehensive reform of the education and treatment of students with disabilities in this district. Because this is our children’s only childhood, and because the district is at a critical juncture, we ask you to take immediate action. The action plan above should be considered a starting point and not an exclusive list. Our group remains available to provide further information regarding the findings and recommendations above.