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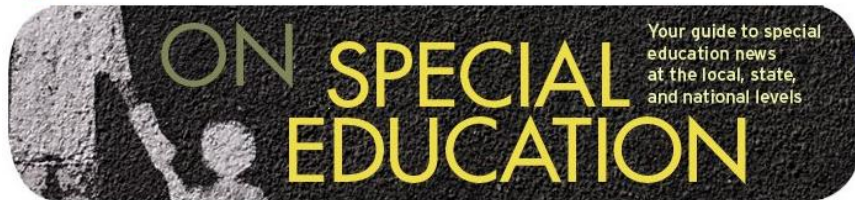
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Education Week reporter Christina A. Samuels tracks news and trends of interest to the special education community, including administrators, teachers, and parents.



Christina Samuels

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# Parkland Shooting Report Sharpens Focus on Special Education and Due Process

By [Christina Samuels](#) on August 7, 2018 5:18 PM



In his junior year, Nikolas Cruz was struggling.

Cruz, a former student at Marjory Stoneman Douglas High School charged with killing 17 students and staff members at the school in February, had returned to Stoneman Douglas after a placement at Cross Creek, a district-run program in Parkland, Fla., for students with behavioral disabilities. Though Cruz had academic success both at Cross Creek and, for a period of time, at Stoneman Douglas, his behavior had started to deteriorate and his grades plummeted—possibly because of a break-up with a girlfriend, his mother reported.

What happened next forms part of a continuing debate over whether the Broward County, Fla. district responded appropriately to Cruz's behavioral needs as a student in special education.

Details about his case and recommendations for district actions came out in a report by a consulting firm hired by the district to review Cruz's educational records and the school system's actions in the wake of the school massacre.

School officials and Cruz's mother agreed that he should return to Cross Creek but didn't think he would take it well. They were corrected. During an individualized education program team meeting, Cruz angrily told them that he wanted to stay at Stoneman Douglas. And, as an 18-year-old at the time, he was in control of whether he could receive services, not his mother. A special educator in attendance told Cruz that if he wanted to stay at Stoneman Douglas, he would have to do so as a general education student. Cruz said that's what he wanted to do, giving up the services that had supported him in the district since he was 3 years old.

But the choices given Cruz weren't correct, said the report, which was released Aug. 3 and written by the Collaborative Educational Network. Broward County largely followed the law when it came to Cruz throughout his educational career. But, the report noted, under state statute, the Broward school district could have decided to file a due process hearing itself within 10 days after the contentious IEP meeting, asking for an administrative law judge to make a decision about where Cruz should be educated.

And, based on his history, it's likely that the district could have prevailed on its desire to return him to the more restrictive placement, the report stated.

There's no way to know now if Cruz would have chosen to return to Cross Creek. Even if there was a due process hearing, Cruz could have decided to revoke his consent for special education at a later time. But the report stated that Broward should focus on staff development to make sure that educators understand student options, and that they have "training and practice in facilitating emotionally charged meetings."

Those insights into Cruz's special education history come from an error made by the district. It released the consultant's report, **heavily redacted**. But when the report was first placed on the district's website, the computer-generated redaction failed, making the entire report visible. **The Sun-Sentinel of Florida was the first media organization to read and report on the entire document**. The Broward County school board wants the paper and two of its reporters to be held in contempt of court, saying that it opted to report information the court had ordered to be redacted.

### **Due Process Hearings Filed By Districts**

Due process hearings are overwhelmingly filed by parents when they disagree with district actions. But the Individuals with Disabilities Education Act makes it clear that due process is a legal maneuver available to both parents and the school district. And, about 10 percent of the time, it's the district that has the dispute, said Perry A. Zirkel, a professor emeritus of law and education at Lehigh University, in Bethlehem, Pa. Most of the cases filed by districts are not like the Cruz case; Zirkel noted: Most often, a district wants to conduct a special education evaluation over the objections of a parent, and they generally prevail, he said. Even when a student is found eligible for services, a parent is not required to accept them, the law states.

Ann Siegel, an attorney and education team manager for the advocacy group Disability Rights Florida, said that revoking all services "was the worst thing for [the school district] to do. They were on notice that he required their supports and services."

It's not unusual for older students to make such a choice to drop special education services, but the district should have known that Cruz's disability affected his

decisionmaking skills, Siegel said. But Siegel, who has represented other older students in special education, said "students who are behaviorally challenged are the kids we have the hardest time getting schools to keep."

## **An Atypical Case**

There's been **intense focus on Cruz's mental health history in the wake of the school massacre**, especially because he had had violent and self-harming tendencies for years. However, students in special education for an emotional disturbance are not more likely than their peers to be school shooters. In an **exhaustive examination of targeted school shootings** between 1974 and 2000, the U.S. Secret Service and the U.S. Department of Education found that while perpetrators commonly described being bullied or persecuted and having thoughts of suicide, they generally did not have a history of mental health evaluations or diagnosis with a mental disorder.

Soon after his return to Stoneman Douglas as a general education student, Cruz continued to struggle academically and behaviorally, eventually leaving the school for an adult-education program. Two months later, in April 2017, he reached out to the school system and asked to re-enroll at Cross Creek, the program he had earlier rejected.

His request to return to Cross Creek bounced around among administrators at the adult education school he had enrolled in, at Cross Creek, and at Stoneman Douglas. Ultimately, they decided Cruz would have to re-enroll in Stoneman Douglas to restart the process, but it was too late in the school year to do so. Cruz's mother died in November 2017, and he did not pursue further services.

After releasing the report, Broward County schools said in a statement that it had used "a multi-disciplinary approach, including [exceptional student education] programming, school counseling/guidance and other related services in an effort to meet the ongoing and evolving needs of this student."

"We accept the recommendations regarding procedural improvements, and are pleased with the overall review, recommendations and findings," said Broward Superintendent Robert Runcie **in a statement** before the failed redactions were discovered. "We are

actively reviewing our policies and procedures, training protocols and data systems in an effort to implement the recommendations in a timely and effective way."

### **'Burn, Kill, Destroy'**

Days after the district report was released, authorities released another document: a transcript of interviews with Cruz conducted hours after the shooting.

He said he had a voice in his head that told him to "burn, kill, destroy," a claim the officer attempted to test and push back on throughout the interview, according to a transcript released Aug. 6.

The shooting suspect said he'd felt lonely and isolated, especially since his mother's death, and that he didn't have anyone to discuss his struggles with. Living with the family of a former classmate, he stored a collection of guns he'd amassed since his 18<sup>th</sup> birthday in an unlocked safe in his bedroom. Those guns included the AR-15 he is accused of using in the shooting, which he purchased because it was "cool looking," he said.

He said he used some drugs, including Xanax and marijuana. He'd tried to kill himself two months before the shooting by taking nearly an entire bottle of Advil, which he later vomited up.

He said he wanted to be an Army Ranger, but that he'd failed a prerequisite test.

"I am stupid," Cruz said.

Cruz is being held without bail on murder charges.

*Staff Writer Evie Blad contributed to this post.*

*Students return to class at Marjory Stoneman Douglas High School in Parkland, Fla., after former student Nikolas Cruz killed 17 students and teachers.—Terry Renna/AP*