

Cameron James
Columbus, Ohio 43221

May 13, 1996

Dr. Bill Schaefer, Superintendent
Upper Arlington City Schools
1950 North Mallway
Columbus, Ohio 43221

Re: Joseph James
DOB: August 31, 1979

Dear Dr. Schaefer:

Pursuant to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, this is a request for a special education due process hearing in order to secure retroactive and prospective tuition for our son's special education at the Kildonan School.

To understand the history leading to this request, please allow me to describe our son's public school experience and present school situation.

Words can never describe how proud I am to be the father of Joseph Albert James. My wife and I named him for his great grandfathers: Joseph Romas, an Italian immigrant who valued education and Albert F. Cameron, an educator who at one time was an Ohio School District Superintendent.

My son has lived up to his namesakes. In spite of a severe handicapping condition he has learned. In the process, he has and continues to demonstrate a level of determination and perseverance worthy of admiration. From the time he started school, Joe has had to deal with a world of intolerance, humiliation, repeated failure, lost childhood, living away from his family, lack of self esteem, a desire to run and hide, no self confidence and the fear of being worthless.

Joe was born on August 31, 1979. He was our third child. His older sister was Nancy Susanne and his big brother was Arthur Louis. Together we liked to refer to our family as "The James Gang."

My wife and I often talked about how different and individual each of our children was. Nancy Susanne was incredibly vocal, Arthur Louis was quiet and intense and Joseph Albert was our happiest child. He seemed to be gifted with a happy-go-lucky attitude and he was always laughing. When I picture Joe in mind as an infant or toddler I see a face filled with a great big smile.

I worked at a television production company and my wife dedicated herself to raising our family. These early years in Joe's life were exciting and enriching. They were filled with family activities. My wife read to our children almost daily. They went to story time at the public library and participated in church groups and community activities.

Sometimes my job required children as talent in videotape or slide show. So Joe and his siblings got to go on location and be involved in my work. Joe always behaved professionally and he demonstrated a good ability to listen and to follow directions.

As a preschool child Joe had difficulty producing certain sounds. He would often mispronounce a word or use a word in the wrong context. Because we have a family history of dyslexia we had Joe tested by Dr. Stewart. Dr. Stewart diagnosed Joe as dyslexic in July of 1985, before Joe entered kindergarten.

My wife and I had grown-up and lived most of our lives in Upper Arlington. Although, I had not experienced much academic success in school, we had great confidence in the education the Upper Arlington School System could provide for our children.

At the time Joe started kindergarten, at Barrington Elementary School, my wife provided the school with Dr. Stewart's report and discussed Joe's learning disability with his classroom teacher, the school nurse and administrative staff. The school system did not provide an evaluation or I.E.P. for Joe and he was not served.

My wife specifically asked Lou Willis, a vice principal, about testing Joe and Mrs. Willis told my wife Joe was really too young to be tested.

I wish I had just one day to live over again in my life. It would be Joe's first day of kindergarten. I would hold Joe's hand and walk into the school. We would go directly to Principal Ted Oakley's office and I would not let go of Joe's hand until I was certain that Joe James would be served appropriately.

Joe's kindergarten year seemed uneventful. I really didn't notice a big change in Joe's personality.

Just before Joe's first grade year was to begin, his teacher contacted my wife and told her that Joe qualified for the Reading Recovery program and Joe would receive one-on-one instruction, daily, from Joetta Beaver. My wife reminded Joetta that Joe was dyslexic. However, Joetta said, "I don't want to hear about his dyslexia. I'm going to recover Joe."

Joetta Beaver had been our daughter's classroom teacher. She was also a teacher leader in Reading Recovery. We thought she knew what she was doing. We considered Joetta and the other educators at Barrington as the "experts" in deciding what to do about Joe's reading difficulties.

Today, I have learned that Reading Recovery was probably the worst thing that we could have done to Joe. Due to Joe's dyslexia, he had no natural phonological awareness and a poor visual memory. Instead of an intensive, systematic, phonological method like Orton-Gillingham, the Reading Recovery method teaches the child to use picture and context cues, and tries to get the child to memorize sight words. Every day, Joetta taught Joe to guess at words based upon what he saw in the pictures and his understanding of the sentence context.

Joe did not learn to read with the Reading Recovery method, but he did practice guessing at words day after day. This had a devastating effect on Joe's learning to read. Every time he would guess and be wrong, he felt he had failed. This will emotionally affect Joe the rest of his life.

Joe got so frustrated that year that it changed his personality. Joe our happiest child was gone and Joe became a child who feared failure. Joe began to judge himself by his peers. They could read and he couldn't. Joe's self esteem dropped through the floor.

Joetta was so determined to Recover Joe that she indicated to us that she kept him in the Reading Recovery program "twice as long" as normal. Joe finally got so upset that he refused to go to Reading Recovery and Joetta stopped her sessions.

My son Joe had more than 100 Reading Recovery lessons before Joetta referred him to special education.

I have learned that Joetta had an above average interest in proving the success of Reading Recovery. I believe this is why she specifically wanted Joe in the program and why she so aggressively used the method with him. The Ohio State University Department of Education was instrumental in bringing Reading Recovery to the United States from New Zealand. Joe was one of the first students, in this country to use this significantly modified New Zealand approach. I consider Reading Recovery, at the time it was used on Joe, to be experimental. We were never informed of this.

Joetta was one of the very first Reading Recovery teachers. She was a Reading Recovery teacher leader. She worked closely with Carol A. Lyons at The Ohio State University. After Joetta taught Joe, she published research on Reading Recovery. She participated in speaking engagements regarding Reading Recovery. She received peer recognition for her work with Reading Recovery. I believe Joetta had a professional and emotional stake in proving the success of Reading Recovery. I do not know to what extent, if any, she has benefited financially from her role with Reading Recovery. However, I perceive that Joetta had a conflict of interest when it came to deciding what would be the best method to use with a dyslexic child. I keep asking myself was Joe used as a guinea pig for Joetta's research?

Two crucial years had passed for Joe. At the end of first grade the school system finally tested him and we were notified of an I.E.P. meeting. At this time my wife and I had heard about the Orton-Gillingham method of teaching reading. Prior to going to Joe's I.E.P. meeting we spoke with Jane Renner of the State of Ohio, Department of Special Education regarding what we could request for Joe. Our understanding of what Jane told us was that we could not request a specific program. We could describe the type of program we thought Joe needed.

At the I.E.P. meeting my wife described in great detail the type of method we thought Joe needed. It should be a multi-sensory, intense, systematic, phonetic approach. The other members of the I.E.P. team reacted as if they had never heard of this method. They all shared the view that "Joe had difficulty with parts-to-whole." They suggested that if you tried to teach Joe the parts he would just become more confused and frustrated. No matter how we tried to get them to try the approach we thought Joe needed they would come back to the theme of Joe having difficulty with parts-to-whole.

As I look back on that meeting it is clear to me that the school system could not provide an appropriate education for Joe. The only people the school had on staff believed in the whole language philosophy. No one was trained in methods that would have taught Joe how to read. No one knew how to teach Joe the parts. That's why Joe was having "difficulty with parts-to-whole."

At Joe's I.E.P. meeting, instead of the team focusing on why Reading Recovery had failed Joe, the focus was on why Joe had failed Reading Recovery. To my wife and me, the educators on Joe's I.E.P. team were the experts in deciding what was appropriate for Joe. None of them ever challenged the appropriateness of using Reading Recovery with our dyslexic child. None of them ever challenged the appropriateness of using a whole language approach with our dyslexic child.

I believe the educators on Joe's I.E.P. team had a conflict of interest because the school followed only one instructional philosophy: whole language. Reading Recovery fit the school's whole language mold. An intensive, systematic, phonics approach to teaching reading did not fit the school's mold.

I did not understand back then, but I see now that Joe was a little boy, trying his best. Regardless of how hard he tried, he could not fit the mold. Joe could not learn from the way he was being taught anymore than a deaf child could learn without an interpreter or a child with paralyzed legs could learn without a wheelchair.

I do not know how Joe survived. Each day he walked down the street from our home to Barrington School knowing he faced another day of failure. And all the time his parents, and teachers, the people he admired most, kept telling him "if you just try a little harder Joe, you will learn."

Joetta Beaver taught the Barrington School classroom teachers Reading Recovery. Joetta also taught Reading Recovery to the Special Education tutors at Barrington. So, even though Joe was officially out of Reading Recovery, it was still the primary philosophy behind the method used to try to teach Joe how to read.

I can imagine how worthless Joe must have felt because he didn't fit the mold. The other kids laughed at him and called him stupid. I remember Joe telling me about how it embarrassed him when his teacher graded his paper at her desk, while other kids were around. Once, after the kids did a writing assignment, the teacher asked them exchange papers with classmates. The kid, who got Joe's paper, laughed about how bad it was in front of the class.

Joe's skills fell further and further behind those of his peers. He was a little boy with almost no friends. He didn't want to go to camp because they might ask him to read. He refused to go to the shopping center with some boys once, because he couldn't read the menu board at the restaurant in the food court. We had to make sure the youth minister would not call upon Joe to read from the Bible before he would go to Sunday school. Joe was a loner, preferring just to stay at home. Home was safe for Joe. Out in the rest of world he was in constant fear of being discovered. He could not read and Joe believed it was his fault.

When Joe started second grade in 1987, we hired a private Orton-Gillingham tutor. Joe met with Mrs. Anne Schlichter once a week during the entire school year and following Summer and Fall. Joe's progress was sporadic because the classroom instruction did not support the tutoring instruction. Joe was instructed to use picture clues and context clues. Sounding out words, or using phonics was discouraged. How confusing this must have been for Joe.

That Fall, due to a family illness, we had to discontinue the Orton-Gillingham tutoring. Joe's mother was not able to take him to tutoring or work with him at home. After my wife's recuperation, Joe resumed the Orton-Gillingham tutoring from the end of his third grade

until November of Joe's fourth grade. At that time we enrolled Joe in Marburn Academy where he would receive Orton-Gillingham instruction daily.

During the first four years of Joe's schooling, kindergarten through third grade, we trusted the educators at Barrington. By the beginning of fourth grade Joe was drowning and we realized that the educators at Barrington would never teach Joe how to read.

First: Joe's classroom teacher stopped my wife in the school hallway. She appeared panicked. She said she didn't know what to do about Joe. His skills were so far behind the rest of the class. My wife asked for an I.E.P. meeting and one was scheduled.

Second: When my wife went to the I.E.P. meeting she was informed that the meeting was not an I.E.P. meeting. This was a disappointment to my wife because she felt Joe was treading water and if something was not done quickly Joe would drown. By not holding an I.E.P. meeting we perceived the school's lack of commitment to Joe.

Third: My wife stayed and talked to the educators, that day, anyway. At that time, the classroom teacher brought out Joe's writing journal. My wife pointed out that Joe was using the book backwards and asked why his teacher had not taught him the correct way to write in it? She was told that it was important for children to learn through discovery and that eventually Joe would learn the correct way to use the writing journal. The message to us was that if Joe stayed at Barrington he would receive little direct instruction. We believed Joe needed direct step-by-step instruction. The message was clear, at Barrington this type of instruction was not going to happen.

Fourth: At that same meeting Joetta Beaver said she had done a Reading Recovery test of Joe that day which showed him reading at a book level equivalent to less than a first grade reader. Any trust we had in the educators was gone. In spite of all the hours and hours of tutoring and Reading Recovery, over four years, Joe's skills had shown no growth!

Fifth: The school psychologist, Paula Ford, said to my wife: ". . . Joe is just going to have to learn there are other ways to get information besides reading."

The school system might as well have sent us a telegram saying, "Joe James will never learn to read in the Arlington School System."

What were we supposed to do? What would any parent do?

Our child was suffering terribly. He was not learning. He was not even treading water. He was drowning and emotionally crumbling in front of our eyes. We felt overwhelmed. We had to do something and the school system only offered a failed approach.

The school system had tried to teach Joe for four years without success. To us, the educators were now giving up and telling us we should accept the fact that Joe was never going to learn to read.

I.E.P. meetings were ineffective. No matter how hard we tried to get the I.E.P. team to agree on an intensive, systematic, phonics method, for Joe, they would not provide it.

If a school system only believes in one instructional philosophy how does a handicapped child receive an individualized education?

In our family, important conversations always took place at our dining room table. Joe and I sat there that night and talked about school. Joe did not want to leave Barrington. I said, "Joe, you only get one chance to learn and I don't think they know how to teach you at Barrington." Joe finally agreed. He said he would go to Marburn Academy for one year, learn to read, and then return to Barrington.

At the beginning of this letter I wrote that I was proud to be the father of Joe James. Even though Joe was only ten years old, he faced a major life decision. Joe demonstrated great courage in choosing to leave Barrington. To him it meant facing the ultimate humiliation and total rejection from his peers. Joe could hide no longer. He would be discovered. His worthlessness would be revealed to his whole world. Joe knew the pain. He faced it with courage and with faith in the love of his parents.

How can adults understand how Joe felt? What might make an adult feel totally humiliated and worthless? Having their spouse file for divorce? Being fired from their job? Going blank during their important speech? Each of us knows a situation we fear facing. Just the thought of being in that situation makes your body turn cold preparing for shock. At the age of ten Joe James had to come to terms with what he feared most.

On his last day at Barrington, Joe's teacher let him say good-bye to his classmates. A year or two later I videotaped Joe as he talked about his disability and school. Joe joked about it all until I asked him to tell me what he had said to his classmates on his last day at Barrington. Joe broke down and cried. I could see that Joe will experience the pain his whole life.

Joe started Marburn Academy in November. At the end of the school year Paula Ford the Upper Arlington psychologist went to Marburn and tested Joe. During his five months at Marburn Joe experienced a year's growth in reading. To me this meant Joe was on the right course for the first time since he started school. It meant that Paula Ford might be wrong about Joe having to learn there are other ways to get information besides reading. Joe could learn to read when he received an appropriate education.

The reading teacher who had been successful with Joe moved away. His next year at Marburn was not successful and my wife and I began to have concerns. Very few teachers have appropriate training to teach the dyslexic. Because of the severity of Joe's dyslexia he needed a more intensive remedial program. After much consideration we decided to look for a boarding school for dyslexics.

Seventh grade was spent at The Gow School. The Gow School is the oldest college preparatory school for dyslexic young men. We considered The Gow School because my wife knew the headmaster through The Orton Dyslexia Society. When we inquired about the school we were told that they use the Gow method for reading and we were told that the "Gow" was just like Orton-Gillingham.

It's really painful to look back on the day we visited Gow. Joe told the admissions director that he needed someone to help him with any reading activity. "Do you understand that I can't do my homework in study hall because I can't read well enough to do my homework by myself?" He answered, "don't worry we have proctors in study hall that will help you." As the school year progressed, the Gow School called to tell me that the school wanted to hire a tutor for Joe so he could get the additional attention the school could not provide. This would be an additional expense since this service was over and above their regular program. We consented but the tutor left the position and the school did not or could not

replace her before the end of the school year. In retrospect, almost a whole year went by before Gow realized that Joe was a severe, non-reading and non-writing dyslexic!

When we arrived on the last day of school, we were handed Joe's testing results. Joe had regressed. My wife and I requested Mr. Sweet's attention and asked him if he had an explanation for the lack of progress. Mr. Sweet said, "no."

That summer, Joe suffered great depression. Depression over loss. I can't think how that must have felt. Joe saw failure everywhere he turned. He would not accept returning to Gow. He told us he would kill himself first. Joe, his mother and I looked to a psychologist for help. He confirmed Joe's depression and asked us to find a different placement. The psychologist felt that The Gow School was not meeting Joe's needs.

At the same time, we asked Anne Schlichter to reevaluate and work with Joe during the summer months. Mrs. Schlichter also found that Joe had regressed.

My wife checked around and decided to look at The Kildonan School. We woke Joe up early one morning and told him to pack a bag for overnight. Joe and his mother were flying to Hartford and then driving to Amenia, New York to visit The Kildonan School.

After testing and tour of the school grounds Joe had an opportunity to observe a one-on-one Orton-Gillingham tutor session.

Joseph's mother will never forget that day because at the end of their visit Joe looked at his mom and said, "If you send me here next year, my skills will leap." Joe was accepted. My wife called me from the airport before their return home. I asked her how it went and with tears in her voice she said, "I have new hope that we found the right school for Joe."

At the beginning of Joe's eighth grade and first year at Kildonan, he was reading on a third grade level. Today, Joe is in the tenth grade at Kildonan, and reading on a seventh grade level. Joe has chosen to return to Kildonan each year. He knows they teach the way he learns. When he started Kildonan two and a half years ago, he couldn't write well enough to score on the Ayres Copying Speed, last May he scored on a third grade, sixth month level. That's more than a three-year gain in two years.

The Kildonan School saved our son's life. He is beginning to deal with the emotional issues of being dyslexic. He is learning to be an independent student. Joe knows he is not at the end of his remedial growth. Joe, his mother and I are just beginning to realize Joe's true potential.

If it wasn't for Kildonan, I shudder to think where we might be today. Would Joe have found unacceptable ways to escape his pain? If Joe had received an appropriate education during the early, critical years, Joe would not have to grow up without me. Separation has been very difficult but this selfless act has made the single most important difference in his life.

Joe continues to meet the challenges of being dyslexic in a society based on language. Research shows us that if you don't provide appropriate remediation for the dyslexic before the age of 8, they will have life long difficulties with language.

I will always feel cheated that my son had to be educated so far away from home. I will always feel pain for Joe's lost childhood. I will always regret that my public school didn't

know how to teach my son. I will always be angry that my public school wouldn't listen to my wife or me.

To date, I have invested in excess of \$150,000.00 in Joe's education. Next year's tuition will be another \$29,000. This letter is a request for a due process hearing to secure reimbursement of prior expenses and tuition for next year. If you can resolve this without the necessity of a due process hearing, then that would be most appreciated.

If you cannot resolve this without a due process hearing, my attorney is Jennifer Joseph, 88 E. Broad Street, Columbus, Ohio 43215, she can be reached at 224-3111 and Peter Wright, 4104 E. Parham Road, Richmond, Virginia 23228-2734, and he can be reached at 804-755-3000. In consideration of summer vacation schedules and in order to allow sufficient time to discuss settlement, I hereby waive the 45-day rule.

Respectfully,

Cameron James

Cc: Jennifer Joseph, Esq.
Peter Wright, Esq.