

# Transcript: Getting Help with Post-Shutdown IEPs

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## SUMMARY KEYWORDS

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## SPEAKERS

Anne Zachry



Anne Zachry 00:00

Hi, this is Anne with KPS4Parents. And what I want to do in this video today is basically take you through where we stand right now in terms of planning for next school year, in light of shut down and what everybody's just been through. And I'm going to presume for the moment that just about everybody is going to be going back to on-campus learning next Fall, or at least that option is available. So in the fall 2021 semester, presumably, your campuses will be reopened. And if you do distance learning, it's a choice. Regardless of whether you're going to be going back to on campus learning or you're going to continue distance learning in the Fall, there are things that you now have to think about that you normally would not have had to think about because of shutdown and because of how your child's educational needs have changed in response to the situation. And so what we want to be able to do is equip you with basic knowledge that you can use to navigate your way through the process. As things stand right now, bearing in mind the rules have not changed and the science has not changed. What's changed are the facts on the ground, what's changed is how all of this has affected your child. And how all of these these experiences have now put your child in a much different place very likely than where your child was before all of this happened. We want to help you get your brain wrapped around the process in general, but also as it applies specifically to recovering from shutdown, and going back into on-campus learning, post pandemic, or at least post shutdown, while the tail end of this pandemic finally starts to get wrapped up, hopefully,

so let's just get to it.



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So what I'm going to do in this video today is I'm going to take you through the special education basics, just the basic rules and the flow of the process in general, then I'm going to tell you what you need to be looking for, what are the the telltale signs that there's something you're going to have to do differently than maybe you've had to do in the past. And then we're going to talk about the importance of making the record. And then important questions for you to ask going forward and and through the IEP process. And then if once you've done all those things, if you still find yourself in a situation where you're not sure what to do next, what we can do to help you going forward from there. So let's just move into it. So first, I just want to take you to the basics of the special education process that applies no matter what. So if you're starting out at the very beginning, and your child is not yet in special education, but you and your team at school have a reason to believe that there's something going on that may make your child eligible if your child struggling in school and there doesn't seem to be a very good explanation for it that can be accounted for by the general education setting, then that's when you say, "Okay, well, we suspect it might be the case that this child could qualify for special education," and bearing in mind special education is a service not a place, and all kinds of kids qualify for special ed not kids with any particular type of disability. Any disability or any kind of condition that interferes with learning can make a child eligible. Most of the kids who were in special ed actually have very mild learning disabilities, ADHD, things like that, that are relatively hidden. And you wouldn't know by looking at them. And because their educational records are confidential, you're not going to know that they're on an IEP, because that's not anybody's business but theirs and their families. So I want to make that abundantly clear that if your kid is struggling right now, and is not already in special education, that still might be an option for you. And so I'm going to take you through the process from the very beginning for those of you who are new to all of it. And for those of you whose kids are already on an IEP, they're already in special ed, this is a process you've already been through. So it's gonna sound a little familiar.



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The special education process begins with a referral, and that referral is saying we think something's going on. And we need to figure out whether this kid qualifies for special ed or not.



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And so the first step of the process once that referral is made, is to conduct an assessment. This is supposed to be an evaluation of the student with respect to the areas that are suspected of disability, and whatever issues are coming up so you can tease out, "Is this really a disability or is it something else?" So sometimes the special education assessment process doesn't identify a kid as eligible for special ed. It says, "Yes, this kid is struggling, but not because of the disability. There's something else going on." And then that will give you guidance as to where to take it from there.



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But if they are demonstrating evidence and some kind of condition, some sort of way of thinking or processing information that makes them different enough, that teaching them the way that everybody else is being taught is not going to work for them entirely, then now you're saying, "Okay, well now they're eligible. We now we need to do something different for them." And that's what an IEP is - an Individualized Educational Program that is a blueprint for how the instruction is supposed to be delivered to your child based on how your child learns. And if that's arising from a disability, which would be the case with an IEP, then you're talking about how you're going to adapt the instruction to fit your kid as a learner - as a unique individual human being. So that's the process that we're looking at here.



05:02

And so what happens is, once those assessments are conducted, presuming the student is found eligible for special education, now what you have is a body of data that says, "This is where this kid is functioning right now," and we call that "present levels of performance." This is presently where this child is performing at this moment in time. Then from there, you say, "Okay, well, this is where they are right now. And this is how that stacks up relative to where they should be according to their grade level. Now let's write goals that target what we're going to teach them above and beyond that will be different from what we're teaching everybody else.



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And generally, IEP goals are targeting the deficit areas, so you're teaching your kid foundational skills that they don't already possess. And whatever parts of the instruction they're not naturally picking up - whatever parts of it they're not getting. It's going to

tackle that. So sometimes, IEP goals can target things that are foundational skills, and not the academics per se. So for example, let's say you have a child who has speech and language issues. Maybe they have a communication disorder. Maybe they have a difficult time understanding what other people say. Maybe they have a difficult time saying what they're trying to say. They're trying to get their words out and it's just not happening. And it can be actual speech production, where their mouths just can't make the words, or it can be language processing, where they're perfectly capable of making the sounds of speech. It's not a speech production issue. It's a language processing issue. And so it's their brains not being able to process that data in an efficient and meaningful way. They might have goals that target those communication issues, because communication is a critical part of learning. If you can't understand what the teacher is saying, it doesn't matter how smart you are, because what's coming into your ears and going to that part of your brain is garbled - it's corrupted data. And so as smart as you may be, if the data coming in is garbled and corrupted, you can't make any sense of it. And so that's not anything to do with intelligence; it has everything to do with language processing. So if that's the issue, then speech and language services are meant to tackle that. Sometimes you have a kid who can understand and communicate fine, but they've got motor issues, they have difficult time writing or typing, because they have a hard time making their brains control their fingers in a way that they're able to manipulate the writing instrument or operate the keyboard or the mouse in a way that allows them to produce the work they need to produce. And again, that has nothing to do with how smart they are. It has everything to do with other neurological issues that are affecting how they use their bodies in order to participate in the educational setting. And so it just depends on the nature of the challenge. And so the goals may target things like improving penmanship and being able to control a pencil and all of these fine motor skills so that they're able to do what everybody else is it can do, they can produce their work independently, and they're not having to rely on somebody else to help them with that stuff all the time. And so, you know, building independence in these skills is a huge part of it. Maybe you have a kid who's delayed but not significantly, but it's enough where they're still going to need extra help. And if you can get them to the point where they don't need that extra help anymore, they may eventually get to the point where they're no longer eligible for special ed. So goals are meant to target the outcomes that an IEP is meant to achieve. And they target the areas that your child is struggling in that is not part of the general education curriculum. And so the goals derive everything else in the IEP, because you first you have to figure out what you're trying to make happen, which are the goals, and then you have to figure out what services are necessary to see those goals met. And so you can see in our little diagram here (see video) that IEP goals, you know, the whole process starts at the bottom with the referral, and then the assessment, and the present levels and the goals.



08:44

And now you got to pick the services and the placement. So placement is based on what's the least segregated setting where the services can be delivered, such that the goals are met, because the idea is not to pull your kid out of the regular education classroom unless it is absolutely positively necessary. And that's a rule that's called "Least Restrictive Environment," the least restrictive environment for one kid is not going to be the least restrictive environment for another kid. The LRE requirements are such that they have to be individualized just like any other part of an IEP. So the goals say what's going to be made to happen, the services are what's necessary to meet those goals, and the placement is the least restrictive setting where the services can be delivered, such that the goals are met.



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So that's how you build an IEP. And then once the IEP is built, now you have to implement it. And so IEPs also include with the goals, a system of measuring progress, so that when you're implementing the IEP, you can track your progress along the way and you can tell whether you're being effective or not. And so that's the IEP process in a nutshell, basically summed up for you.



09:56

So, let's say that now you're ready to plan for next fall. You're ready to look at: What are you going to have to do to make things right for your kid after this last school year, that was just such a mess with shutdowns and whatnot? And let's say that your kid's already on an IEP, hypothetically, but they weren't getting all the services the IEP called for during shutdown. So what are you going to look for to tell you whether something different needs to be done? Well, you're going to look for lack of academic progress: Did they fail to progress in their curriculum? Did they fail to meet their goals, because goals are everything in an IEP, if they did not meet their goals, definitely, there's something funny going on, and something needs to be done about it. Are they having struggles with peer and adult relationships at school? I know for some of my students, being online has just completely weirded them out, being able to see all their classmates faces staring right back at them off the screen, and they don't want to be seen. And they'll turn off their camera because it makes them super uncomfortable. And these are usually the same kids who struggle with social relationships in the school setting anyway, but that just put a magnifying glass on it. And it's completely freaky and weird to them. Other kids, having that distance, having that computer screen between them and the other people create

sort of a layer of security where now they're more able to socialize, they're more able to work with people, that they would be able to in person. And so it's better for them. And again, this is why individualization is so important in the IEP process, because every kid's different, and you can't do a one size fits all cookie cutter solution or the gen ed setting would work for these kids. You have to tailor to each individual child and however that's affecting them. Are they having struggles with peer and adult relationships at school, whether online or in person, or both?



11:46

Inconsistencies between what your child and your teacher are telling you. Is your child telling you, "Oh, all my work is done, I have no homework," and then the teacher is telling you, we have five outstanding assignments that have never been turned in. And so these are the kinds of things you're going to look for, like, "Oh, something's going wrong." And then lack of communication from school personnel - if you're trying to communicate with your teachers, and the administrators, the specialists, and whatever, and people are not getting back to you. And they're not answering your questions. And they're leaving you in the dark, and you don't really know where your kid stands. That's a problem. That should never be an issue. But during shutdown, that seems to have been magnified in a lot of family situations where that lack of communication is now a much more impactful situation than it was when the kid was going to school on campus for whatever reasons.



12:35

And then missing documentation. So, have you not gotten a progress report for the grading period for your kid's goals? Because progress reports are supposed to regularly go out, the IEP should say when, and most school districts and charter schools will tie those progress reports to the time when report cards go out. So if your kid got a report card, but not a progress report towards goals, something's missing. If they don't get either, something's really missing. If there's testing that's been done, you know, like district wide assessments for, you know, where benchmarks and those kinds of things that would be usually be reported during the parent teacher conference? Has that information not been forthcoming? Have you requested new evaluations, and nobody's given you an assessment plan? There's all kinds of documents that drive the special education process. And so if you're outstanding documents would expect to be seeing, definitely there's a communication issue - there's something going wrong.



13:31

And inaccurate documentation. Inaccurate documentation can take a number of forms. It can be reporting that a goal has been met on an IEP without any data to support that it has been met. It can be an absence of data collection, let's say your child has a positive behavior intervention plan. And there are certain data that have to be collected to monitor your child's behavioral progress. And now that you're on distance learning, those progress reports aren't coming, you're not getting the behavior data. And maybe it's because they're not providing the service the way they're supposed to be providing it and they're not collecting data, because it would reflect that they're not doing their jobs. And so in an effort to avoid accountability and not record the fact that they're doing it incorrectly, they're just not recording it at all. Or they may be recording it, but they're not sharing the data with you. And so if there's information that's missing, or it's coming back, and it's not telling the full story, or there's there's something not right, like one of my students on my caseload, the mom emailed the teacher said, hey, are there any assignments that are missing? And the teacher came back and said, No, everything's been turned in. And so then Okay, fine, then report cards come out. The student has an F in the class. And it turns out that there's like five assignments that were never turned in. And the mom's like, Hey, you told me everything had been turned in what is still missing. And so there was obviously an inaccurate reporting of facts at some point along the way. Line and communication broke down. And so that inaccurate information led to a big gnarly mess that we had to clean up which we since done, but it put everybody through a whole lot of trouble, that it could have been avoided had the documentation been forthcoming, and it had been accurate. And so these are the kinds of things you want to look for. Because sometimes you can't prevent a problem from happening, obviously, I mean, we wouldn't have had shut down in the case, you know, it's it's not a matter of prevention anymore. Now, it's a matter of cleaning up the mess that's been made, it's about coming back after the damage has already been done and trying to mitigate as much of that damage as possible. And so all of this stuff is important. When you're talking about doing damage control for a lot of our students on IEP s, that's exactly what we're doing. We're engaging in damage control. And so all of these things are important aspects of what to look for, in order to gather the data necessary and informed the process. I mean, we're beyond the point of prevention. And now we're at the point of accountability. Now we have to come back and say, Okay, well, you guys didn't do X, Y, and Z. for whatever reasons, we're not going to sit here and get into that right now. It just lists is all agree it wasn't done. And because this is where we are right now, we now need to do something about it after the fact, and try to clean up this mess as much as we possibly can. So we're going to have to recover loss learning or learning that never occurred, that should have. And then we're also going to have to talk about Okay, well now, not only are we going to catch this kid back up to where they should be right now, we don't want to see kids who are perpetually behind because of this and never get caught up. And that's very likely going to happen to a lot of families who don't know how to advocate for themselves. And that's why we're

putting this out there, we really, really want to try and mitigate as much of that as possible.



16:49

So, in moving forward, as you were attempting to resolve these challenges in these issues, I cannot emphasize enough how important it is for you to put everything in writing. Email is fine, but email doesn't come with a proof of delivery. So if somebody doesn't reply back to you, you're going to have to raise the bar a little bit. You're going to have to use some method of writing, communicating in writing that includes proof of delivery. And, for us, what we have done historically, before email really became a big thing, because we've been around long enough that school districts, you know, weren't doing email in the early days when we first started. Everything was still fax and by regular mail. And so one strategy that, you know, you can fall back on from back in the old days, is you send a fax, and you'll get a fax confirmation report. But that's still no guarantee that it printed out on the other end. All that tells you is the fax successfully transmitted, not that it was necessarily received. And lots of school districts will act like they never got what you faxed, just like they'll pretend they never got what you emailed. So the next best way is to walk it in with a hard copy. You go in with one copy for them and one copy for you, that's going to be your duplicate, and you have them stamp your copy "Received" with the date and whoever it is's initials, or whatever, so that you have proof that you dropped off a hard copy. And then your stamped copy that you keep for yourself, it becomes your proof of delivery. And all school districts should have even at the school office, at the local school sites, you'd have a stamp with a date on it that says "Received" for exactly that reason. Your next best bet is to send it in the mail with some method that includes a tracking number. And I typically do certified mail without return receipt. You don't need the return receipt. Those things get lost in the mail half the time anyway, coming back to you. There's no reason to pay extra postage for that. What you want is that barcoded tracking number on the certified thing; it's green and white. And so it's a little bit extra in postage, but it's an insurance policy that you have proof of when they got it because you can go online after you've mailed it, track it on the Postal Service's website through that tracking number, and it will tell you the time and the method of delivery and the date of when that was dropped off. So, like, if they handed it to an actual human being it will say that. If they left it in an a mailbox or on a countertop somewhere in a like an office, it will say that. And so it gives you time, it gives you date, it gives you method of delivery. And it gives you confirmation that what you sent was actually delivered. And so that's really important. That's a really powerful tool in your toolbox. And I actually still use that one quite a bit. And then also, most states have some sort of rule about audio recording your IEP meetings. And I'm in California, for example, where we're located, you can, as long as you give at least 24 hour written notice of your intention to audio record, the district has



to let you this; the charter school has to let you. They don't have a choice in the matter. And so what happens to that point is they're now obligated to audio record, as well, so that there's two copies, there's two audio recordings. And that way, nobody can accuse the other side of doctoring their audio recording; that there's confirmation. That both parties have their own recording and they can be matched against each other. And that's how you protect against, you know, one party trying to say something was said during a meeting that wasn't or misconstruing what was actually said. And it's been my experience that as soon as you're audio recording an IEP meeting, suddenly everybody's incredibly polite, because nobody wants to sound like a jerk on the recording. Nobody wants to make the record in a way that can be unflattering of themselves, especially if you're in a legally contentious situation and this could end up becoming evidence in an investigation of some kind or due process. And so these audio recordings become part of the record; they become part of the evidence that documents what's going on with your kid's situation. And, if people make promises on the audio recording in an IEP meeting, but that they don't write it into the IEP, then you're like, "Aha!" you know, "You need to put this in the IEP, because you said you were going to do this thing." And the IEP is what's the legally enforceable document. What's on the recording, will capture promises that they didn't keep. And if you want to compel them to keep those promises, they need to write it into the IEP document, because an IEP is a legally binding contract that obligates your local education agency to do whatever that document says. So if you don't have it in the IEP, they're not obligated to do it. So bear that in mind. And this is why you want to keep everything in writing. And that includes the IEP document itself.



21:36

And then you also have the right as a parent to request access to your students records, so your child's records. And at minimum, you have legal protections under the Family Educational Rights and Privacy Act, or FERPA, which is sort of like the HIPAA of education. And so under the FERPA regulations, the school has to give you access to -not necessarily copies - but access to your child's records within 45 days of your written request. Now, lots of states, California, certainly being one of them, have their own extra rules above and beyond that. So for example, just using California, as an example, in California, parents have a right to photocopies or digital copies (PDFs) of their kid's paper records, or electronic records, and copies of the audio recordings and any digital photos and anything that is considered a record of your child in any kind of way. And those copies have to be provided within five business days of you submitting a written request. And that timeline is not disrupted by summer break or winter break or anything like that. And if they're open for business in any kind of way at the district offices, then five business days is your timeline. So long as there's an enforceable rule that allows you record copies, then you can exercise that right. And that varies from state to state. But requesting record

copies and getting copies - like you have an automatic right to a copy of any assessment report, any IEP document - they can't withhold those from you regardless of what state you're in. And so the critical documents should be accessible to you, and you should be able to get copies of them.



23:24

So as you're going through this process, and you're trying to plan for next school year, the three big questions you need to ask are what are the rules? What's the applicable science when it comes to my child's unique needs? And how do the rules in the science apply to my child's education? Because here's the deal: There's a federal requirement that anybody who's getting special education services, their program has to be based on the peer reviewed research to the degree that that's even practicable. So there might be peer reviewed research out there that says that dolphin therapy is great for kids with autism or something, but that doesn't obligate the school district to give that to your child. Just because they would benefit from it is not automatically going to make it something that the school district has to provide. Swimming with the dolphins may be great, but is that gonna teach your kid how to read (for example)? It has to be tied to your child's educational needs. It's not like an open carte blanche for whatever kind of therapy exists out there that has to be specific to how is going to help them access education, and the same education that everybody else has access to. And so there are limits on what you can ask for. But, what are the rules and the science and how do they apply to my kid's education? And so this is this is the the line of reasoning you need to go into this process with because if you don't know the rules, you need to ask. And, they'll give you, like, offer you a copy of your parent's rights and it's going to be a summary of the 1000s and 1000s and 1000s of pages of federal and state law that actually describe what your rights are. And I promise you that whatever those parent rights handout, say to you, is not going to capture the full story. So it's going to be your basic rights, but it's going to be framed in very general terms, and not with a whole lot of specificity. And so you can have rights that are not reflected in there, or they're reflected, but you wouldn't even understand that that's what that means. And so there's a lot of generalities in these these summaries that parents often get. And so just that parent rights handout is not going to be sufficient. So you're going to have to ask some really specific questions that are specific to your child, and, so well, "My child has this particular issue. This is the challenge we have. How do the rules apply to this particular situation? How the rules are applied to the facts?" And then knowing that the rules require the appropriate application of science, what does the science say about all of that? That is not on you as a parent to go and figure out. That's something you should be able to ask the people who get paid to know this stuff to tell you. Now, the reality is, is a lot of them don't know the answers, either. And this is why there's

so many disputes in special education, all over the country, because you have people employed within the system who have no clue what their obligations are under the law, much less what the science says they're supposed to be doing. They're there for a government paycheck and benefits, and that's about it. And as far as they're concerned, your kid is a means to their financial end. Certainly not everybody in education thinks that way. But there's enough people who do, you have to be leery of what you're encountering, and the answers you're being given, especially when you're being given a "No." If you ask for something that in your mind is common sense and, "Why in the world, would you not do X, Y or Z?" And they come back and say, "We're not going to do it?" Well, okay, "Why? And how does the science and the rules apply to your rejection of my request?" And when that's the case, again, this goes back to keeping things in writing, you frame your your request in writing. "I am asking for these things. It's my understanding that according to best practices, according to the professional standards of the sciences that apply here, this is what the situation calls for. So if for some strange reason, this is not going to be something you could do, I look forward to receiving your Prior Written Notice, explaining to me why you can't do this thing I'm asking for." And prior written notice is something that is required by federal law, regardless of what state or territory your military base, your kids going to school on or in. And so that's federal law. So if they're going to decline your request, they have to give you a written explanation as to why. And so this is where you want to frame your questions up, "I'm asking for this. I understand the science is saying that this is what my kids should get." Either "I've got an expert recommendation," or "I've read a peer reviewed article" or something, you know, that's academically informed, "that tells me this is what the science says to do for a kid with needs like my child's." And then, "If you're gonna say, 'No,' how do the rules apply to this situation that would make it such that you can't do this thing I'm asking for?" And so, that prior written notice piece can get all wrapped up. That "keeping it in writing" and "asking important questions" sort of becomes a woven together thing.



28:17

So, what happens when you get through this video and then you get to this slide here, and the only thing that I've really taught you is that you're in a situation, and you need help? And it does happen that I've taught classes and stuff and explained to, like, in far more detail how special education works, and by the end of the session, I've got a handful of parents who, the only thing they've really gotten out of the whole thing is how screwed they are and how in over their heads they are and how bad of a situation they have. And it's not something that can just go down and talk to the teacher and work out. It's a much messier situation that's gonna involve a lot of politics. So you've got all these different players involved. And not everybody's seeing eye to eye, and politics and policy and people's belief systems about kids with disabilities, the biases that are inherent in all of

that. There's plenty of us who help families who are struggling financially with these things. But again, if you're able, as a parent to do this on your own, and you're not having to hire anybody, that's preferred. And so we definitely want to equip you with the knowledge and the skills to do this on your own as much as possible, but what happens when you can't? So one of the things that we can do to help you out is we can just go through your child's records and do what's called a records review. And what happens with the record review - these are typically done by me or me and another person who works here with us, one of my colleagues, and we'll collaborate on it. Or maybe sometimes I'm collaborating with someone who's a third party representative and I'm supporting another advocate in the field. It just depends on the situation. What I'll do is, because I have my master's degree in educational psychology, so I understand scientifically what's possible, but I'm also a paralegal. So I also understand legally, what's required. I support attorneys who go into these situations guns blazing, go into court and whatnot. And none of my own cases have actually gone that far in a really long time, because people I work with regularly know not to test me on these things, because they know what I'll do. They'll know I'll lawyer-up if I have to. And I still do every now and again, and then it turns into a settlement agreement. It almost never goes all the way to trial. But I also assist attorneys who have cases that were not mine in the first place, and they come to me and say, "I have this case, it's going to due process, can you help me?" And so I'm either putting on a paralegal hat, or I'm putting on an educational psychology hat, or both. And so very often it's both. What I'll do is something that's like a combination of a psychological report and a legal brief. So I'm going through and looking at, "Scientifically, what does the data say about this child and this child's needs?" And then coming back through and looking at it from a more legal standpoint, "Okay, well, what does the rule say about what you do in a situation like this?" So I'm looking at it from both a scientific standpoint and a legal standpoint, in terms of the regulatory requirements, and the case law, and what we know is supposed to happen in the IEP process. And I've actually been certified and have testified as an expert in due process, specifically on how IEPs are supposed to be constructed according to the regulations and the applicable science. And so I'm going to go through the records and tell the story is told by the evidence, and in such a way in writing that you as a parent understand what's going on, and what your options are. And if you do have to pass it over to an attorney to take your case forward into due process. It's all nice and packaged for them. And then basically on a silver platter, it's already spelled out. I'm going to be pointing to, "Here's your the critical documents, here's what they say, here's everything in chronological order, and here's the story as told by the evidence." And then if you're having me do this as a parent, then I'm gonna say, "Okay, and here's what mom and dad told me that the record does not reflect," because again, sometimes you'll have missing information, or you'll have Miss information in the record. And so I want to make sure that if the record is not accurate, or there's things that have been left out, that mom and dad's input is included to explain the gaps in the in the

data. A lot of times I'll do a records review, and then I'll stick around to consult with the family. Certainly, once I get the report done, I'm going to present it to the family and say, "Okay, here's the report. Let's schedule a time for me to go through it with you so you understand what it says and I can answer any questions." Because sometimes what happens is, once parents have read the records review, it opens up their minds to like a million questions they never had before, because now they understand the situation better. Now, they've sort of leveled up to the, you know, we cleared a boss level in a way, and they're now in a new place where, "Okay, well, now I have a broader understanding of what's going on here, but now I have new questions." And the very least I'll do that, where I'll have a meeting after the report is done, where we talk about what I discovered, and then, you know, we figure it out from there. I can stick around as a consult, if the family has a different advocate, and I'm just supplementing that individual's in-person support with the record review review portion, because now that not all advocates are equal. There are a lot of really great advocates out there, who are just parents who've been through it themselves for their own children, and now they're looking out for other parents who are trying to navigate the system and learn the ropes, and they haven't figured it out yet. But the parent who's providing that advocacy support is not a paralegal, is not someone with an advanced degree in a relevant discipline, and - like educational psychology, which is totally relevant - so sometimes other advocates will have me do the records review part, but then they will take that record review and then they're often running and they don't need me to keep helping them do stuff. Once they understand what needs to be done, they don't need me to help them do it. And so my job is done once that record review is finished. In other instances I'll stick around. I'm either consulting with the advocate, I'm consulting directly with the family who's advocating for themselves, I'm consulting with an attorney, the family is hired, but I'm only acting in a consultant capacity. I'm not representing anybody. I'm not coming in and saying, "I am the advocate of record, and I'm acting on this family's behalf." I'm in the background. And a lot of times the school people don't even know I'm there.



34:22

But then we also have direct lay advocacy representation. If that's the case, and I've done a records review, which I'm not going to do a direct advocacy case without starting out with the records review. That's how I started out all of my cases. Once I've done that records review and, if I'm providing direct lay advocacy representation, then I'm going to act on the recommendations I've made and have reached agreement with the parents on. And, I'm going to be, you know, carrying forward and doing the correspondence, and I'm going to be audio recording the IEP meetings on the parent's behalf, and I'm going to be communicating with the school as it pertains to, you know, negotiating the language of the IEP. I'm going to be going to the IEP meetings and trying to get the IEP to say what it

needs to say in the first place, so I'm not having to come back after it's already been produced and say, "Okay, we need to fix some things." And even if that does happen, we get through the end of the IEP meeting and we've got a pretty decent IEP, maybe we've got goals in all areas of unique student need, but they're not all written in a measurable manner and they're technically unsound. Or we get everything hammered out that way. But maybe this kid needs a positive behavior intervention plan, and there isn't one. And now we need to figure out what we're going to do about that. And so whatever steps need to be taken, I'm going to be looking at it from a procedural standpoint, with respect to the science that applies to the unique needs of the student.



35:43

If for some reason, I can't figure it out, and I can't work things out with the local education agency at the IEP level, I'm not going to waste a whole bunch of time spinning my wheels, pounding my head against the wall, trying to get these people to listen to me. They get a chance to do it right, and if they don't, I'm going to refer the family to an attorney. And sometimes what happens is a family comes to me and they're already direly in need of an attorney; that we're beyond the point where I can come as an advocate and do a whole heck of a lot; it's just time to go to due process. And if that's the case, I just immediately refer them to the attorney and say, "Here's the records review, here's what's going on, and let me know if you need any help."



36:21

And then we also have our social media content; we have our Facebook page. We have this video, for example, is going to go out on YouTube first as a "Quick Fix Video." But we also have our Patreon content, and I'm not going to get into a whole big thing you can go and there's the link right there, you can see it (see video), and you can visit our Patreon. And I'll have links below (see video) so that you can just click on it and it'll take you over. And our Patreon content is meant to help you educate yourself so that you can tackle these things on your own as much as possible. And I get into way more detail in terms of, you know, all the different things you can do. And I'll have a video about a specific thing like writing IEP goals, that's actually a big gnarly, two piece of video series. There's like a part one and part two and understanding special education assessments, how to interpret the reports, and understand what they're supposed to be telling you and how to know if they're deficient, and when to ask for a second opinion. And so that's like a whole video thing. And so there's a lot of stuff on there, because every little topic that you can focus on in special ed can become a documentary unto itself. I mean, just assessments alone can be a documentary. IEP goal writing, definitely. How do you select services and placement,

you know? All of these things are very in depth, scientifically driven processes and procedures that have to follow the regulatory requirements as well. And so, you know, I can't sum all of that up in a quickie video any more than school districts and charter schools can sum that up in a brief parent rights handout. I mean, it's just too voluminous, it's too big, it's too big of an issue to capture it in a tiny little, you know, thing like that. And so we have a lot of content and we're constantly adding to it on Patreon. You know, where we can speak to these things. And we have content not just for parents, but also for educators and for legal professionals who work in this domain. We have all of this content so that everybody understands how it's supposed to work, so that all of us can work collaboratively to make it work. And it doesn't do us any good to say, "Oh, it's the school people versus the parents and they all hate each other. And it's an us-versus-them adversarial relationship." There's way too many people invested in a divide-and-conquer mentality and an us-versus-them mentality. And in reality, the only way out is through. And we only get there by working together. And vilifying each other doesn't get us there, we really need to stop being us-versus-them. This really is supposed to be a collaborative effort. And in our democracy that is supposed to be of the people, for the people, and by the people, the people need to stop being at odds with each other. We need to figure out ways to work together. And so we've created content for not only parents, but also for educators. And yes, we're "Knowledge Powers Solutions for Parents," that is the name of our organization. But it's not just the parent knowledge that powers solutions. It's also the knowledge of that's held by the people employed within the public education system. Their lack of knowledge puts parents and children in a very dire situation. And so everybody in the process needs to be knowledgeable of what the regulations require, and what the science says can be done. And so that's our goal is to make sure that everybody, every stakeholder in special education possesses the knowledge necessary to do the job well, according to the rule of law, and according to the applicable science.



39:47

And so our social media content is really meant to fuel that to provide content that's going to inform people and enlighten them according to the rules and the regulations as well as the science about the things they don't already know, but should. So if we can help you our email addresses here on the screen, just shoot us a quick email and we'll tell you what we are able to do to help you out if it may be where we have to refer you to someone else, but we're not going to just walk away from the situation or not answer your question. So by all means, reach out if you have questions for us. Follow us on social media, whether it's our podcast and blog, or it's our Patreon, our Facebook page, whatever you want to follow, there's links below (see video). Be sure to share this with anybody you think might be able to benefit from this information as well. We know a lot of parents of kids with special needs talk to each other. If you have a special Facebook



group or anything like that and you want to share this video, we have no objection. So we want to make sure that the information gets to the people who needed the most and that we're able to be a constructive part of the solution. Thank you for watching this video and we look forward to bring you more information to you soon.