

[00:00:01.390] - Lisa Qualls

Welcome to the Adoption Connection podcast, where we offer resources to equip you and stories to inspire you on your adoption journey. I'm Lisa Qualls,

[00:00:10.310] - Melissa Corkum

and this is Melissa Corkum. Don't worry, we get it. And we're here for you.

[00:00:18.930] - Lisa Qualls

This week, we're bringing you a recording from a recent workshop that took place in the village.

[00:00:24.750] - Melissa Corkum

In case you haven't heard about it, the village is our membership community where you can find support and training to meet your needs. For more information, head to theadoptionconnection.com/VILLAGE.

[00:00:35.440] - Lisa Qualls

We hope you enjoy the workshop.

[00:00:40.030] - Melissa Corkum

So welcome, everyone, to creating the best IEP for your child. If you are listening to the replay on the podcast, we would invite you to join the village where you can access both the Q and A that's going to happen after this recording and also access the slides. So, without further ado, I am going to turn it over to my good friend Karen Yingling and let her introduce herself and then tell you all the things that you need to know about IEPs.

[00:01:18.670] - Karen Yingling

Thank you, Melissa. We don't actually have time for all the things. It's pretty, as you may imagine, a pretty broad topic, but we're going to get through a lot of the things and hopefully you'll walk away with some ideas and some resources and feel a little better equipped to navigate this special education world. I am a mom of seven, of which all of them came to me from not the ideal histories. Two step children, four adopted children, and then my anchor on my team is a six year old that we are legal guardians for. So this has been my world for a long time, and through that I have two children who, from a very young age, had a host of disabilities. And so I spent a lot of time advocating for them myself and then as they got older, advocating for friends. And then finally enough people on both sides of the table, both other parents. But school district people said, you should consider doing this as a career. So I went and got some training. I am a SEAT advocate. A SEAT trained advocate. SEAT is a special education advocacy training that is provided by the council of Parent Attorneys and Advocates. It's a very intense, year long program designed to equip people to do that. So I've dove in with both feet and my practice specialty is kids with challenging traumatic histories because they are a unique group of kids and that's where my expertise is.

[00:02:47.710] - Karen Yingling

So we'll dive in here. Let's see. I'm going to share my screen and hopefully this will work. And if it doesn't, I apologize. We'll keep working. Hopefully you all can see that. So the best IEP, Melissa asked me about this title. I was like, okay, it gives us a lot of space to work with. The things I want to cover today are where do we start when our child is struggling at school? Because sometimes that can be overwhelming. You talk to teachers and they're like, he's fine, or we're doing a little extra. But how do you know when to make that shift, to know I need more? What's the difference between a 504 and an IEP? Big question, because a lot of times districts will come back with a 504 when really you need an IEP. Or parents will go into it thinking, I have to have an IEP, when really a 504 is what's appropriate. We want to make sure we're putting the right tool in place. Both of them have accommodations. So what accommodations and how do I get them? What is an accommodation? What does it look like, and how do I ask for them? We'll spend a fair amount of time on the IEP meeting in the process because that's a big deal. It's really important to understand some of the key takeaways. And just so folks know, I am based in California. That is where I am most familiar with the laws. I will try to keep this as generic as possible. I will use California as an example. If you feel the need to get help, there's a couple of resources at the end of the presentation where you can find resources in your state.

Sometimes out of state advocates can help when it's generic or when it's process related, but when it's law related, each state has its own code. So sometimes that makes a difference. Oftentimes it makes a difference.

[00:04:34.390] - Karen Yingling

So where do I start? With my student is struggling. Child Find is a provision in IDEA. And idea is the code that governs all a special education, and it's a very specific code. And it requires all districts to evaluate students who are suspected of a disability, regardless of the severity of their disability. So somebody who says, oh, it's not that bad, his ADHD isn't that bad, his autism isn't that bad, the severity for the evaluation purposes is irrelevant. The district has an obligation to identify students with disabilities, all students anywhere from ages three to 22. So if your child is 15 and you've been struggling for all these years, you can still, under Child Find, request an evaluation. So you suspect your child has a disability, and for disabilities purposes, that's a pretty wide range, and it can cover a lot of different disabilities. ODD is a covered disability. Mental health diagnosis are covered disability. So if your child has a diagnosis of generalized severe anxiety disorder, and that's all they have, that is a covered disability. So simply because it's not a learning disability or a physical disability or a neurodiverse disability, it counts. IDEA does not restrict it. So your first step and these are easy to do, it sounds daunting, but you just write in a letter, an email to the principal, the director, special Ed, and the teacher saying, under Child Find, I believe that my child is entitled to an assessment. Here's why: his grades are falling. He's coming home from school every day, throwing up and melting down and not able to manage life because of his anxiety at school. The more detail you put in the letter, the more meat you will have in your ask. And you reference Child Find, and you can go on the internet and say Child Find referral letter. And you'll have there's a hundred of examples, but you want to reference under Child Find IDEA 34 CFR 300.111. I am requesting an evaluation for my child. Psychoeducational is a big word, but basically it's cognitive and academic. It also includes social, emotional, and so that would be a psychoed is the big evaluation. And then within that, the other two that very often, I will almost always request are speech and language and motor speech and language, because your child may speak great, they may have no visible articulation, volume, fluency issues, but they may not understand pragmatic language. They may not understand how language is a function of communication within our environment. They may not understand things like inference, sarcasm, opinion versus fact, all of those language nuances that can very often trip our children up.

[00:07:45.720] - Karen Yingling

You have a child who sees things only in black and white. So you have a child, you say, during the middle of a downpour, it's raining cats and dogs. And he goes to the window and he comes back and he goes, mom, there's no cats and dogs. That's a child with a language struggle, because they miss the inference, they miss the dual meanings. And a language screening will help that. The other is OT. They may have beautiful handwriting, but if you suspect your child has any sensory struggles, you want an OT evaluation done of motor evaluation, because that will show that, and it will also give you the data that you need. You need to help support a sensory strategy for that student. So you write the letter if you have a medical diagnosis, super helpful. My child has been diagnosed with ADHD. I'm going to touch on ADHD. I'm not a medical doctor and I'm not an attorney. However, I've done a lot of this, and I have one of these in my house who is a student who has what presents as ADHD, what is actually trauma. Take the ADHD diagnosis. You don't have to take the med, you don't have to do anything else. Take the diagnosis because it's your entryway into getting them help at school. And again, that diagnosis helps open the door to get the evaluations. Now, you can have a child with a medical diagnosis of autism and a medical diagnosis of ADHD who will not qualify educationally, but you need to get the assessments done in order to make that determination. So you send all this documentation to the school, then what happens? They're going to come back and they're going to ask for an SST or an intervention meeting. They're called different things. SIT student Intervention Team, student support meetings, but they're going to ask for a meeting to talk about the struggle. Depending on your district, and this is a huge continuum, some districts will sit down, they'll talk to you, and you'll walk away with an assessment plan. You may walk away with interim steps to help your student. You'll walk away. Other districts will tell you, we're going to try these interventions first and see how they work. Districts, they can require the meeting, but providing the interventions does not negate nor alleviate their responsibility to assess. So if you run into a district that's doing that, email me. I will send you the OSEP letter that says no. And you can just send that to your district and

say, Sorry, no great. I'll take all the interventions, but I still want the assessment. OSEP is the Office of Special Education Programming, and it is under the Department of Education at the federal level that interprets the law. And while OSEP letters are not law, they have a lot of weight with districts. So if you have an OSEP letter that says something, districts have to pay attention to that. So at this point, after you send your Child Find letter, they should send you an assessment plan. You will sign that plan, you will return it to them, and they will start their process. At the federal level, once you sign assessment plan, the district has 60 days to complete the evaluation and hold a meeting with you to review that assessment. And again, different states have other timelines within that. So, for example, in California, when I officially request an assessment, the district has 15 days to respond to me with a plan. If they don't give me a plan, they have to give me what's called a PWN, a prior written notice on why they are not.

[00:11:29.110] - Karen Yingling

But under Child Find, they have to assess them. I have 15 days to sign it and get it back to them. IDEA puts those timelines in place to make sure that students are getting what they need. So now you have your assessment plan. They come back, and they're going to do one of three things: he doesn't qualify for anything; they're going to offer you a 504 plan; or they're going to offer you an IEP plan. So what's the difference? The 504 plan was established and has its foundations in the 1973 Rehabilitation Act, which is the Equal Access for Disabled People Act. The IEP is under what used to be known as the Education of the Handicapped Children Act of 1975. They're different buckets that hold students rights. The 504 Plan does not provide any kind of goals or instruction for students. Its only goal is to provide accommodations required for that student to access their education that they need because of their disability. So things like extra time on tests, that's a big one in 504 plan. My student has anxiety. Testing is very challenging for them. They need a separate setting where they're not distracted and they need more time.

[00:12:56.350] - Karen Yingling

An IEP provides specialized instruction to students that's tailored and individualized to their unique needs, as well as accommodation. And IEP must include goals and services to support those goals. So if you have a student who struggles taking tests because of the environment, but they also have trouble reading and they need to understand the skill of a multiple choice test, they might qualify for specialized academic instruction. We see this a lot. I see this a lot right now in middle schoolers with executive functioning issues, which a lot of our children have. They have trouble ordering the steps within things. Up through elementary they have one teacher, and that one teacher gives their assignments, and they're all written up on the board, and they're in one place, and they can manage all of their work. They get to junior high, whether it's fifth or 6th grade or 6th or 7th grade, and they have six teachers and six different assignments. And this teacher wants it submitted on Google Classroom, and this teacher wants it submitted on canva, and this teacher wants to submit a hard copy. And now the kid is falling apart because they can't keep track of it.

[00:14:13.480] - Karen Yingling

And home has become a battlefield about getting homework done. It's all at war because they don't know what they're supposed to do. They don't have it written down. That student needs specialized academic instruction to teach them the skills required to understand what to do. You can't just give them a planner and tell them to write it down. They need that skill. And I'm having this battle, honestly, a lot right now with districts who just want to give them accommodations and not teach them the skill. They don't have the skill, and they need the skill. A 504 plan covers all of the students academic career, including college. So every college will have a department that has responsibility for students with accommodation. It's not special ed. They call it different things. But for seeing that a 504 plan is appropriately tailored to what a student needs in college. An IEP ends on the last day of 12th grade, except for students who are certificate tracked and do not get diplomas. But that's kind of a different conversation. So if you have a student who's got an IEP, but they're going to go to college, they're going to switch from an IEP to a 504 plan for college. They will not have the academic instruction. They will have all their accommodations.

[00:15:34.830] - Karen Yingling

A 504 plan is an internal document. It is not regulated by education codes. It can look different from

district to district. It will look different. It can have a whole bunch of things, and it can be a letter, or it can be a formalized plan. The IEP is a heavily regulated document that state statutes at both the local state level and the federal level. There are certain requirements that absolutely must be contained in every single IEP, and it doesn't matter what state you're in. 504 Plan is very loose. And again, that's not bad. For some kids they need that range a little broader, and they don't need as much service. 504 Plan does not need parent consent or parent involvement. They don't have to take your input. You don't get a vote. They might ask you to sign off on it, but it doesn't matter if you do or not, they're going to do it. The IEP must have parental consent and involvement. That is a fundamental tenant of the Idea Act. So those are kinds of the differences. And it's important not to get married to one or the other. There are folks that will say, well, 504 Plan is better because it doesn't label a student. There are folks who say you need the protections of an IEP for your student. Both are true. It's individualized. And that's what's really important here, is to remember that's the first word is individualized. What works for your students? So back to the title of our talk today what's the best plan? It's the one that's individualized for your student that meets your students needs.

[00:17:19.110] - Karen Yingling

One last thing. The 504 Plan is reevaluated every three years by law. Most districts will do it annually. They'll have a quick meeting, is it working? Is it not? They should always do it when they transition from school site. The IEP must be updated annually. It's an annualized document. So both of them have accommodations. So what's an accommodation? What does an accommodation look like? The legal definition is it's an adaptation that enables a student with a disability to participate in educational programming, complete school work or tests with greater ease and effectiveness to the extent possible, as if he or she was non disabled. So it's the equal access piece. It's how does my student participate equally. If you have a student, for example, I have a student that has some real significant physical fine motor skills, and one of his accommodations moving into junior high was a specialized lock for his PE locker because those little combination locks, he cannot line up those little tiny numbers on the dial. So the district had to provide him with a different kind of lock so that it wouldn't take him 30 minutes to access his PE clothes and get changed. So he could go in and within the same amount of time, open his locker, get changed, and get to PE. That's an accommodation. It allows him to participate at the same level as his non disabled peers. And it can be really broad. They are not limited by law. A district cannot tell you, the law doesn't allow us to do that. Any time a district says to you, here's a tip, anytime a district says, we can't do that, or we're not allowed to do that, your stock answer is, can I please see the board policy or Ed code that says that, and you'll hear crickets 90% of the time. You'll hear crickets. You'll be like there'll be that quiet pause in the room when you ask for that, write it down. If you ask them for a board policy, write it down, because one of the other things you'll hear is the administrator say, I'll get that right to you and you'll never see it, but they're hoping you'll forget that you asked.

[00:19:37.730] - Karen Yingling

But any time a district tells you they can't do something, board policy or Ed code, accommodations cannot, however, change the content standards. So if your student struggles with fractions, your accommodation can't be that they can't do fractions, because that's a modification and that changes the curriculum and that lives in a different space. That does require an IEP, not a 504. And that does change things down the line for graduation requirements. So when they're little, it doesn't matter. But when you get to 9th or 10th grade, I'll tell you where we might run into this sometimes, especially with my kids, from trauma. Some of the literature that kids are required to read in 9th through 12th grade can be pretty traumatic for a kid with a traumatic history. However, if you opt for student out of reading one of them, the Diary of Anne Frank, because it's traumatic, parent death, the whole separate, the whole thing. You've now changed the content standard of the course and you've changed their ability to graduate with a diploma. So it can be a little tricky for our kids in those upper grades. You can ask... In 7th grade science, 7th grade life science in California, the standard is genetics, the fantastic one. So every 7th grade science class has you look at your own character traits and talk about which ones you got from which parents with your recessive genes, which is a problem. I've got four kids that have no idea who their birth parents are. They got nothing. So I can ask for the assignment to be accommodated. So instead of it being her with her bio parents, it can be a chart on how it works because we don't have the data. It sometimes requires a little bit of creativity on modifying the assignment as opposed to the content. You can modify assignments all day long. I

have a student that really struggled writing and writing things down and doing long essays. So he had to do presentations, he had to do a video presentation that lasted a certain amount of time on the book report, that was his book reports. Because that allowed him to participate in the educational programming and demonstrate, this is another good one to write down, mastery of material. I want my students to know mastery of material. And it's up to the school district to figure out how they show that if they have a disability that prohibits them from doing it a certain way. Mastery of material, it's a big one with little kids, and math worksheets. When they send a math worksheet home for homework, that's two pages, 20 on each side. And you know your student knows the work, but that worksheet is overwhelming. What do they need to know, that he knows how to do two digit and two digit addition and then let's move on from the homework.

[00:23:04.430] - Karen Yingling

So what can be an accommodation? And I just listed a bunch of these are very standard ones. Speech to text. For kids who have trouble writing, let them speak it and then edit their text. Copy of teachers notes. For kids with ADHD, it's really hard to pay attention to the lecture and take notes at the same time. Copy of the teachers notes, additional time for homework and tests. Preferential seating. Our kids who thrive on connection, who require connection, they need to be up front a lot of times right next to the teacher so that as they're working on their independent work, she can frequently walk around and touch their shoulder to let them know she's there to support them. Movement breaks. Some kids need to work for five minutes and then get up and walk around the room, and then work for five minutes and get up and walk around the room. This is an interesting one when they get to junior high, where teachers give out bathroom passes, right? The dreaded bathroom passes for any of us that have junior high or senior high kids, which drives me nuts because none of us in our work environment get, you can go to the bathroom three times during the day, and that's it. We don't get that. But bathroom breaks are what a lot of kids use as a movement break. They don't actually have to pee. They need a break. So understanding what's driving that for your student. Fidgets, flexible seating, wiggle seats, standing desks, lying on the floor with a board, use of a common corner. All of those things can be accommodations. But the bottom line for accommodations is anything that helps your student participate in their education. This is where COVID was a blessing to us in some ways, because we got to see our students at home learning. And we got to see when they could learn and when they couldn't. We got to see what they needed to do. I had a student, and we fought through this, all through Covid with the district, because they would put their zoom on and then they would walk back and forth, and it drove the teacher nuts because he'd be in and out and in and out of the screen, but he had to have his camera on because that was the rule. That's a whole nother rabbit trail there. That is a different type of topic. What the parents said was when he is pacing, he is absorbing every single bit of information. When he's sitting in the chair and having to stare at the screen, he's so focused on keeping his body still that he's missing what she's instructing. So that was the piece of accommodation that became really important that they walked away from covid. Think about this especially over the summer as you see your student learning. What helps them learn? When do they get frustrated? When are they at the very best when they're learning? And what does it take to replicate that? But anything can be an accommodation.

[00:25:51.790] - Karen Yingling

Okay, the IEP meeting. Now a lot of people start to break out in a cold sweat about three days before their IEP meeting, and they get really anxious, and they get really nervous. And it's understandable. I've done for my own children a lot of IEP meetings, and they're very stressful. Allow yourself that space to be stressed about it. It's important, and it's your child. So, you know, I will tell parents after an IEP meeting, if they cry in the meeting, they'll text me. One of the great things about Zoom is it's an equalizing platform for parents. There's nothing more intimidating than you as a parent with your little file folder, walking into a room of ten people in that kid school and feeling so alone. On Zoom, everybody's equal. But it also allows me to communicate with my parents during the meeting. I can text them and say, oh, don't answer that question, or I'm going to ask a question, and it's going to go quiet. Let it be quiet. But they'll text me, and after they cry, and they'll be like, I'm really sorry I cried. It's okay. This is your child. It's your child, so don't let them gaslight you that emotion is bad.

[00:26:56.090] - Karen Yingling

So managing the meeting. Before your meeting, being prepared, is really important. What does that

look like? So one of the things that every district must do, every meeting, federal law, is offer you your procedural safeguards, and they have to offer to go over them with you. You don't necessarily need to do that, but get a copy and read them. You don't have to read them every time. Read them. Read them with a highlighter. Highlight things that are important. These are your safeguards. These are your legal rights for your student, and it's important to understand them. The first one is meaningful participation. Parents have a right to meaningfully participate in the meetings. That means you get notified if you can't make it. They can't say, Too bad, we're having it without you. They have to work around your schedule. They can't say to you, legally, we only meet between 09:00 am and 02:00 pm. They are not allowed to put that parameter on there.

[00:27:53.560] - Karen Yingling

Access to educational records. You have, under federal laws called FERPA, the right to all of your students educational records. What is an educational record? It is not an email. They will probably be at some point. There are circuit court cases on emails. It will probably someday wind up at the supreme court because there are such differing conversations about and interpretations about whether or not an email is part of a child's educational record. Here is how you make an email part of an educational record. At the bottom of your email signature, you put, please consider this email part of my child's educational record. If you have a district that is challenging to work with, that changes information, that's just hard to work with, and you know those districts put that at the bottom of every single email you sent to anybody that could possibly impact your child's education.

[00:28:54.030] - Karen Yingling

Access to educational records. You have the right to your child's records. You might have to pay to copy them. You might have to go down there and copy them yourselves, but you have the right.

[00:29:02.300] - Karen Yingling

Informed consent is a huge, huge, huge parental right. You have the right to informed consent before a district assesses your child or makes any changes. Prior written notice is part of informed consent. And when you're prepping for a meeting and we'll talk about this in a minute, there are some things that you should do and have written down. Prior written notice is what a district is required to send you when they make any changes or deny making any changes to your child's IEP. So you're in a meeting and you ask for an accommodation. You ask for an accommodation that your child can take their tests in a separate setting, and the district says, well, we'll take that under advisement, but we don't do that. Okay, they need to send you a prior written notice if they're not going to add it, and they need and the prior written notice in your procedural safeguards lays out very clearly what they have to include, the nature of the dispute. You want separate settings, the educational impact and their decision, and if they're not giving it to you, the grounds for their decision, and what you can do if you don't like their decision. These become important if you wind up basically in court. If you wind up in a really severe, serious dispute that requires mediation or due process, the prior written notice is going to tell you what the district's strategy is. So you want the prior written notice, but unless you're very clear in your meeting what your request is, they're going to say, well, the parent didn't actually ask us for that. She talked about it might be nice to have, but you didn't ask us. Districts are tricky.

[00:31:01.330] - Karen Yingling

Understandable language, and in your first language, they can't use a lot of Ed speak, they can't use a lot of abbreviations. And if your first language is not English, you are entitled to everything in your native language, including the IEP meeting with an interpreter. It covers independent education evaluations. That's a whole five hour topic in itself. But the short version is if your district does an evaluation and you don't agree with it, you have the right to an independent education evaluation at the district expense. Now, it doesn't mean that every time you get an evaluation, you go to the district and you say, I want an IEE. Because the district, I mean, they're not going to set up a law that gives parents everything, you have to have a balance here on the law. So the law says if you ask for an IEE, the district has only one of two responses. They can either fund that IEE and then it's an evaluator of your choosing. There are parameters, but it's an evaluator of your choosing, or they can file due process against you and have the right to defend their assessment. So that's it. They can't negotiate with you. I have a case, it's actually my daughter's case where the district came back and said, well, how about if we do this instead? And we won the case. We have case law that says no, that's not an

acceptable solution under IDEA. Those are the only responses, but you're entitled to it. It also gives you stay put. So let's say you have an IEE and the district wants to make a change to your child's IEP. They want to make a change and they want to reduce the number of minutes. They only want to give them 30 minutes of speech a week instead of the 90 you're getting right now. I know that no one's ever had that happen to them and you don't agree. Stay put says, it's a process for disagreeing with that service offer, and while you are in dispute resolution on that disagreement, the child will continue to get the services that are in place. Again, it's why reading your procedural safeguards is important, because a lot of people don't know that. And so you go, well, I have this disagreement. And they're like, oh well, I guess I'm not going to get my 90 minutes. So part of that is, and we'll talk a little bit about at the end of once you get your IEP, what to do, but stay put is important. All that's in your procedural secrets. You don't have to read it a lot, but make sure you know what's in there. It also gives you your dispute resolution options.

[00:33:50.970] - Karen Yingling

If you have a dispute, does it mean you have to go to due process? No. And I'm going to tell you, I've been through due processes both myself and with clients, and they're pretty horrific. They're emotionally draining. And parents lose more than 50% of the time in due process hearings. So got to be careful. Before your meeting be very clear about your concerns. Be specific about what your child is struggling with. And I always tell parents, send an email to your team prior to the IEP with your parent concerns. Just one up. If we go back to the slide with the difference between an IEP and a 504, one of the differences is that in the IEP, there is a space for parent concerns, and you don't want them to interpret what your concerns are because they'll do it wrong. They're going to do it to fit what they're going to offer you. So if you have a concern about executive function, for example, and you want instruction in executive function for your student, and they are not interested in providing that to you, when you get your IEP, it's going to be very interesting because executive functioning probably won't be listed in your parent concerns. So I counsel my clients, write a paragraph or two with your parent concerns, send it to the team and say, I would like this included in the IEP. Here are my parent concerns. And have clear outcomes and goals for what you want. So when you go into an IEP meeting, if you think your student is having a speech problem and you want 60 minutes of speech, be very clear about that. Understand that's what you want. And I'm going to show you the parent worksheet that I prepare with my clients prior to a meeting. This is a biggie: request the documents the team will be reviewing in advance. So you have an IEP meeting coming up in two weeks. They send you the meeting. You agree on the meeting date. It's the 15 May and today's May 1. When you agree, email them back and say, on May 10, I would like a copy of all the documents we will be reviewing. This is where state law becomes important. There are some states that have a definable date. They have to provide the documents three days or five days. California doesn't. It just says they have to be provided beforehand. That's nice.

[00:36:17.310] - Karen Yingling

I've been literally waiting for the Zoom call and got an email with the assessment report. And they're like, hey, we gave it to you beforehand. I'm like, hey, pull out your calendars, we are rescheduling the meeting because we're not doing that. Okay, so request the documents beforehand. Make a note on your calendar your meeting is the 15th. On the 10th, hey, just letting you know. Looking for the documents on the 12th, hey, am I getting the documents? Again it becomes important because how many of us have walked into an IEP meeting? And they give you this 60 page report, and you're like and they're like, okay, let's go over it. And you're like, what? And you find yourself implicitly agreeing with things just because you're overwhelmed. That is not unintentional. It is not an unintentional oops, sorry. That's very much a district tactic.

[00:37:13.090] - Karen Yingling

So outcomes. This is the meeting worksheet that I go through with my clients beforehand. I meet with them for about 45 minutes or an hour before a meeting, and I list they're requesting concerns. So their concern is he's reading at a second grade level, and he's in fourth grade. Their request is that he has a specialized instruction. The data or observation is what we are going to present to the team that supports our request or concern and their reply and the reason is yes or no. We'll PM. However they respond back to us. When you do a format like this, you can then at the end of the meeting when they say, is there anything else? Go, yes, there is. Or I never really got an answer on this. It keeps you

organized, so it's super helpful to do something. It doesn't have to be this fancy. Well, not that this is fancy, but it keeps you clear about what you want.

[00:38:10.210] - Karen Yingling

At the meeting. Record your IEP meetings. Things get emotional, you can't possibly keep up with all the information. Know your state law. States are either one party or two party recording, and it all has to do with what you disclose to them. So you can just Google, Is Mississippi a one or two party recording state. It will give you that information. Notice them. In California, we're a two party recording state, which means I have to give a district 24 hours notice before I record a meeting. Okay, once you decide to record and you are recording, they probably will too. And guess what? That recording becomes part of your child's educational record. So you are allowed to have a copy of their recording. If you are in a highly contentious situation with a district, get a copy of their recording and just make sure it's the whole meeting. Not the districts have ever done that before, but just make sure.

[00:39:08.850] - Karen Yingling

Bring your team. You are allowed to bring whoever you want to a meeting. Don't go alone. I was diagnosed in 2019 with breast cancer, and my therapist said to me, and I don't know if there's any men on this or not, but if there are, I apologize. She said to me, find your friends with ovaries of steel and bring them to your doctor's appointments. Because my husband was not helpful. He was not, he was a mess. You bring someone to your meeting just as if you were going to a doctor's appointment, where they were going to give you a lot of information that could be highly charged. Bring a friend. Find another special needs mom. Say, hey, I'll go to yours, you go to mine. Invite your outside therapist, your ABA providers, your music therapists, your coaches. If they play Little League and you have a great relationship with a coach, invite them. Anybody is entitled to go to that meeting who has knowledge of the child. Bring a friend.

[00:40:09.590] - Karen Yingling

Free local resources. Part of IDEA is that each state is required to have parent training resources, and they're often called parent training resource centers. Find yours in your state. They will have often volunteer advocates. A lot of advocates do that. That's part of what we do is give back into our community. States Disability rights organizations oftentimes will have people that will go with you, especially if you're in a highly contentious situation and you feel like your students civil rights have been violated.

[00:40:42.090] - Karen Yingling

Never, ever, ever, ever sign an IEP in the meeting. Ever. There's almost no circumstance that you should ever agree to an IEP in the meeting. You don't have to. Don't do it. Say, thank you very much. I'm going to take this home and sleep on it. I'll get back with you with any questions I have. You may not have any questions. You may be thrilled to death with what they're giving you. It may be exactly what you want. Take it, sleep on it, and look at it the next day, please. You can always rescind consent on an IEP, but it's messy. So it's always better to sleep on it. You wake up the next morning, you're still super excited. Great. Sign it. If you're not, what do you do if they've got something in there you just don't agree with? And I'll tell you, we're running up this right now because it's the end of the school year, right? So I've got a couple of cases that we just can't come to agreement. It's dangerous, and you leave yourself exposed. If you have an unassigned IEP. You are better off. Every state has what's called consent with exception. You are better off signing as a consent with exception, even if you hate the whole entire thing and writing down, I don't like the assessment, I don't like the goals, I don't like the services, I don't like the placements, I don't like the accommodations, but I agree. But I'm consenting to the IEP except for all those things because that protects his right, your students rights under IDEA. It puts all those procedural safeguards then stay in place.

[00:42:28.940] - Karen Yingling

Eligibility is a whole different topic. If they are finding him ineligible, honestly, get an advocate. Have somebody else look at it, but don't ever agree to the IEP meeting and sign with a consent with exception. And it might be you agree with everything except for speech. So agree to all the services except you want more speech. Put that in there. That gets everything started. It keeps him moving forward. It also says to a judge advocate if you wind up in a hearing, parent was really willing to work

with this and wanted their kids to get service. When you don't sign an IEP, the district flips that and says you don't really care. You don't really want services. I've heard them say it. The other just little piece of advice. If you find yourself getting ready to lose your cool with the district, walk away. Uncooperative parents have lost really solid cases. Walk away.

[00:43:25.890] - Karen Yingling

So what's the best IEP look like? It's one that's individually tailored to meet your student's needs. Just because your friend has it in their IEP, it doesn't mean it belongs in yours. Just because the district tells you, this is the way we do it here, doesn't mean it's right for your students. So when they tell you that, what's your answer? Let me see your board policy on it. Or Ed code. Individualized is the first word in IEP, and that's not an accident, it's not a mistake, it's not coincidence. It's because that's what it is. Unique needs of your students. Finally, please always remember you are the most important team member. You are the expert on your child. No one knows your child better than you. They might know all of the Ed stuff, but you know your student. So don't ever let them minimize that role. I have some resources here for you. Rights Law, great resource. It's not a super slick website, but it's got some really good resources. They tend to do local trainings. Copa is the Council of Parent Advocates and attorney. If you're going to hire an attorney or advocate, your first question should be, are they a member? And I will also tell you about hiring. It the first time to hire an advocate is the time you think you should hire an advocate. If you are considering it, don't wait, because it's going to cost you more because they're going to have to go unwind everything that's gone before. Adayinourshoes.com has got some fantastic online IEP tools. She's an advocate that runs training. She has gold banks. She's amazing. Trauma sensitive schools, really addresses trauma in school. And then if you haven't got yourself a copy of Help for Billy by Heather Forbes. I buy these literally by the case, I buy twelve at a time. And I've been known to drop them off to school, to psychologist, whoever. Hey, you need to read this. I have a student that really has this issue. It's important. Do they do it? I don't know. I don't know if they do or not. I can't make somebody read a resource. All I can do is put the resource in their hands.

[00:45:39.940] - Melissa Corkum

Karen, thank you so much. Before we jump into Q&A, will you tell everyone listening what your website is and how they can get un touch with you?

[00:45:49.080] - Karen Yingling

Sure. My email is Karen@aceadvocacy.net and I'll put that in that I will put in the chat for you. My website, I'm going to tell you, is it's been kind of a crazy year, so it's a little weak. So just email me if you have a question. Where did it go? I am happy to help.

[00:46:11.030] - Melissa Corkum

We are so thankful for the amazing guests who share their wisdom and expertise in the village. Adoptive parenting gives us both the challenge and the opportunity to keep learning new tools and perspectives.

[00:46:23.090] - Lisa Qualls

Each workshop in the village is followed by a live Q and A with our guests. If you're not already a member of the village, we invite you to join us for regular gatherings and workshops where you will find the tools you need for exactly where you are.

[00:46:37.360] - Melissa Corkum

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[00:47:02.330] - Lisa Qualls

Thanks so much for listening. We love having you and remember you're a good parent doing good work.

[00:47:10.610] - Melissa Corkum

The music for the podcast is called New Day and was created by Lee Rosevere.