



**Episode #232**

**Education Attorney Catherine Michael on IEPs, 504s,  
and Accommodations During Covid-19**

October 27, 2020

Debbie: Hello, Catherine, welcome to the podcast.

Catherine: Thanks for having me. I'm really glad to be here with you today.

Debbie: I think this is such an important conversation for, I think it's always an important conversation because you have such expertise in an area where a lot of parents are really scrambling and are feeling lost, and in terms of what opportunities or possibilities are available for them. But in this time in the world with such unusual school scenarios, I think this is especially relevant. So I'm really excited to get into it with you.

Catherine: Well, you know, I'm happy to talk about this topic, because I think we're actually feeling lost in a lot of ways in all the changes we've had over the last year. And I think that there are a lot of things that parents need to know, and ways that they can be documenting this. And I'll give them a bunch of different tools that they can use to make sure their children are getting services. But I mean, this is a really important conversation for us all to be having right now. Just depending on how long the pandemic goes on, and what options are going to be available even going into the church.

Debbie: Yeah, absolutely. The landscape is changing, and probably will continue to change as opposed to going back to exactly what it looked like before. Before we get into, you know, I have a lot of questions, and I actually crowdsource some questions for my community. But can you just take a few minutes and do a more personal introduction of yourself and what you do, I've already read your formal bio, but I always love to hear my guests, in their own words, share what they do and why.

Catherine: Yeah, so I am an education attorney. And I work in three states, I work in Indiana, Texas, and Michigan, I have a law firm called Connell Michael Kerr. And our attorneys are actually licensed in a number of other states beyond the three states that I'm licensed in. So we cover Ohio, Pennsylvania, Alaska, Minnesota, we have contacts in Massachusetts, New York. So I get a nice good view of what we're doing as a nation in terms of education law, and specifically special education law, or kids who have ADHD and are simply under Section 504 plans. I've been doing this now for a little bit over 20 years, and really exclusively in this area. And I've gotten to see a lot of changes. And I've also gotten to see the biggest thing is that parents often have no idea of the rights that they have, how to advocate for them, and what steps are really going to be available to them to really changing their child's educational plan. And that not only applies to parents who have children with special needs, or in Section 504 plans, but parents who have children who are having disciplinary issues or just need tutoring, most parents really have no idea. And I got into this area because my background was in healthcare law. And that was where I had worked during my summers in law school. And that was where I initially started in practice. And one thing that we saw as a hospital is that a lot of kids who had special needs

who, for instance, had had a brain tumor, and were not getting chemotherapy, and we're on a homebound program could get many surfaces, if any. And I was really surprised at how difficult it was for these parents. And I had a good friend who was practicing in this area. And I came to realize that there are so many laws out there. And including one really big federal law, which is called the Individuals with Disabilities Education Act. And when I say big federal law, it provides the entire framework for parents rights within special education. And I realized that there's no penalty for schools not following these laws. And the way it's structured is that parents are the only real enforcers of that. So it was just amazing to me how many families were out there, not able to get services, they didn't know about the laws and the schools weren't telling them. And so, you know, I took my first case and you know, one case snowballs into another. And it was really fascinating to me, how many problems were out there that there was a simple law that addressed it, but the parents just didn't know it existed or what they could ask for.

Debbie: Hmm, yeah, it is kind of a wild frontier. I think and you know, I do this work through Tilt parenting. I am an avid researcher. I read all the books and I'm tapped into many communities and I still really struggle with even understanding. You know, what accommodations I should be asking for, or what are our legal rights? And so I think it's so just helpful knowing that there are people like you out there who can hold people's hands and walk us through this process. So what I want to start with as a question is just kind of looking at the landscape of where we are right now, especially due to COVID-19. You know, just what have you seen, that's changed for families who have kids with IEPs or 504s? Or who are kind of navigating IDEA, and within remote learning or hybrid, like what is what's happening right now.

Catherine: The first thing that happened as all of us were sort of shocked by this pandemic is that many schools went virtual, and some schools closed their doors altogether. And I think the biggest challenge that we're seeing right now with what parents are facing is that school districts are all doing different things. And we're not seeing a consensus even right now, we're seeing some school districts that are going to a hybrid model, others that are fully back in person, others that are still virtual, and the biggest issue is parents getting true accessibility into these programs. And for children who are on IEPs, right, we talking about a big gamut of kids, right, you have kids who just have a specific learning disability that may be just specific to math, let's say, all the way to kids who have really severe cognitive impairments, or need ABA therapy, and who cannot access a virtual program at all. And we're seeing in some situations, school districts try to treat all of these kids just alike, where they're saying, here's our virtual model, best of luck to you. And that is not how it should be. But that is the biggest change that I've seen is that we basically took a system that has to be individualized and made it in some respects, a one size fits all. And here's what we're going to give you and you don't necessarily get an option for something else. And that is a huge change, right, not only for parents who have kids on IEP s, but parents who have children who are just in a general education curriculum. And the other change that I've seen is that we see school districts who are embracing us who are actually finding true novel ways to address needs across

spectrums. And to really bring education into people's homes to ensure true accessibility, like I'm seeing school districts that are basically, making sure that every family has a computer that's working has a computer that has the appropriate software, if they can't afford internet services, they're making them freely available, they're contracting with the local internet providers, and I'm seeing other schools that say, we'll make the Wi Fi available in the parking lot if you can get to school. It really is quite startling the difference. And so what I'm hearing from parents around the country, and I think this is what you're hearing, too, is that they're just you know, you try to talk to a parent in another district, and what's going on there is completely different from what's going on in your district. And I think parents don't know where is up at this point. What do I need to do? And what am I even entitled to?

Debbie: Yes, and we also understand that this is hard for everyone, right? This is hard for teachers, this is hard for school administrators. This is uncharted territory for so many of us. And as parents, when we have kids at home who are really struggling with whatever model their school has put forward, or they have needs that aren't being met, or IPS that aren't being enforced. We feel stuck. So, you know, let's start there. You know, parents listening to this who are shaking their head saying yes, yes, yes. This is what's going on with us. How vocal can we, should we be? have our rights changed? Are there? I don't know if the law has changed right now? Are we trying to continue to work within a system and a framework that's based on an old model? And where does that leave us?

Catherine: So the law has not changed at all, nor has the enforcement of it. And when we say the law, everybody is going to have first of all special education falls under the sort of the one umbrella Individuals with Disabilities Education Act. And then the states can add to that law, they can add more. Like for instance, Michigan, made it where schools have to provide education until you're 26 versus the federal law says 22. So states can add rights for parents, they can't take them away. So when we look at this big umbrella law, the Individuals with Disabilities Education Act, everybody calls that idea and When you look at this law, it has not been suspended. It's not been modified, nor have any of the enforcement of those provisions. And what this law provides is something that is commonly known as FAPE. And that means a Free Appropriate Public Education. And so what we do is we look at what programming can be provided, that's going to be appropriate, and it's going to be free. And when we look at what is appropriate, it needs to meet that child's needs, it needs to be accessible to that child, it needs to be something that covers and is comprehensive of their needs, whether they have needs in the area of speech therapy, whether they have counseling needs, social work needs. So it may be modified in terms of what we can expect from our IEPs, and what we can expect what looks like programming, but the law itself is still there, and still requires that schools be even in a global pandemic, providing appropriate programming. So what that looks like, for a child who is in a virtual program, is let's say you have a child with a specific learning disability, they would need instructional level materials versus grade level materials. That means if, for instance, they're reading at a sixth grade level, and they're in an eighth grade class, they need to have things provided to them at their level, so they can navigate it. That may include, for instance, if they're reading a novel and

one of their classes, even that provided as an audiobook as well, they can keep up with those class discussions, it may mean that that teacher needs to be doing a lot more one on one or small group instruction to make sure that they're understanding the curriculum, it may mean that the school for instance, and other areas is giving them additional software Access to Work additionally, on math problems, additional tutoring. So that is what is going to be appropriate. If we have a child who has cognitive impairments to the level that they can't participate in an online program. This is where a school would be looked at to what type of home training are they providing? What type of social work services are they providing? Are we at a safe enough time that they can actually provide a one to one aid for that child, even in their home to help them sort of try and navigate an educational curriculum, if a school is going to go partially back in session, should children with with those type of needs be the ones who are in session, and if a school really can't meet that child's needs? Are there private or therapeutic date placements that are open at this time that we can enroll that child in the school still have a lot of responsibilities. But you know, coming back, if the only enforcers of these laws are the parents, you can see where schools who are already a little bit overwhelmed, are just again, saying one size fits all. We'll do what we can and then we'll see if parents bring what are called educational due process actions to try and enforce some of this, which many parents don't even they don't even know it's a right that they have.

Debbie: Yeah, I think that is a big barrier for so many families is just knowing that that you not only do have the right to ask for these things, but there is a formal process for requiring or stating this is this is something we're legally is legally available to us or we have a legal right to, but even starting that process. So I'm asking this as someone who moved back from living abroad for a number of years and had to start navigating this process within the New York City public school district. And it just was so overwhelming to me. So how do people even learn about this? How do you in your role get information out to parents so that they can understand what their legal rights are?

Catherine: I think the first thing parents need to understand is number one, that they have legal rights and their legal rights are far more vast than they can possibly imagine. And I think that the more parents can start to read websites, just putting in "special education law," I think it is worth a parent, you know, just like we would if we had a medical diagnosis or we needed a car worked on, we might get a consultation, right it is just to sit down with a education attorney in your state. Or you know, one to just go over things with you to say, here are the things that you can do. Here's what you need to know. For years, you know we did a lot of consultations every week. I do a lot of parent seminars. And I have actually a book coming out that is called The Exceptional Parent's Guide to Special Education that is trying to make this For parents, simple and affordable for them to learn this, and that's available on Kindle and Amazon. But I think it is essential for parents to be not only beginning to feel empowered, but knowing that they can access these materials online, they can get the books. And then it's learning to actually ask for them in an empowered way where they know that they're entitled to these services. And, you know, for instance, let's just talk about these services for a second. I'm a child who has an appropriate education should not

only have an IEP that covers their areas of need. So when we talk about autism, we're not only talking about their academic deficits, a child's you know, academic deficits, we're talking about behavioral challenges, speech therapy needs, occupational therapy needs, recreational pe needs, social work needs counseling needs, if they need a Board Certified behavior analysts to come in, and really do what's called a good functional behavior assessment and create a good behavior intervention plan. The idea that a parent should have an IEP that only has one goal, despite a child's myriad of needs, is ridiculous. I mean, these IEPs are supposed to be really comprehensive documents. And in New York, we actually New York State, we tend to see, you know, slightly better documents, in terms of an IEP than we'll see throughout the Midwest, or, for instance, rural Texas, I can tell you, you can the the schools everywhere have the same requirements. And I see a vast difference. But that IEP should be a comprehensive document. If a parent doesn't agree with the programming their child is being provided, every parent and every state is supposed to be given a procedural safeguards booklet following every IEP conference. And that procedural safeguards booklet is supposed to explain to parents here your rights, most parents read these things, and they're looking at them. And they're like, gosh, there is so much legally here. I can't make heads or tails. But basically, that lays out how they can request what's called an educational due process, or they can file a complaint for procedural violations in the state. So I'll explain the difference. So let's say right now, your child is not getting speech therapy, you're in a school district that's even had a hybrid program right now, or they're all virtual still. And there are a ton of school districts that are still all virtual, you would just file a complaint with your State Department of Education. And in almost every state, those complaint forms are online. And these are only for where a school is, is basically not following an IEP or the service hours. So you would just file a complaint, saying, for instance, Johnny is supposed to be receiving one hour of speech therapy every week, we haven't received any hours of speech therapy since March 12. We need this to occur, the state is supposed to step in and take a look at this. And basically put an order in against that school district that they have to provide all of that speech therapy as compensatory speech therapy, and they immediately have to begin that process. These procedures aren't there, there's no wiggle room and a school either, you know, if it's in the IEP, they have to do it. And so it's that's really where a parent needs to know that they have those rights, the school has to follow that IEP, if a school is not providing an appropriate program, and I'll give an example of that I have I see it almost every day, I'll get an IEP from a parent who has a child with a lot of needs. Let's say this is a child with autism. And this child has an IEP that has one or two goals. When I'm not seeing any behavior goals. I'm not seeing any social skills goals. I'm not seeing any self advocacy goals. You know, depending on the child's levels, I'm not seeing a lot of life skill goals, I'm not seeing related services, then what we do is we challenge the appropriateness of that IEP and we file an administrative action.

These are not things where a parent is in, you know, state court, where they're sitting on a witness box testifying. These are administrative actions filed with your state's Department of Education, and the Department of Education and that state basically then takes it and they have to assign an independent hearing officer. And that independent hearing officer looks at everything they hear from

the experts. They are Conduct what's called a due process hearing. And that's where, you know, parents can call their experts, school can call their school psychologist. They look at all the child's needs, they review all the documents. And then if they feel that the parent has a good case, then they'll basically find the school in violation of faith. And then they will say the school needs to, for instance, have a Board Certified behavior analyst and to observe that classroom, or meet with the parents to provide parent training, they need to be conducting speech therapy, virtually, they need to be conducting social skills training, virtually, they need to find computer programs and software programs that are going to be accessible to that child. That's the type of thing we're seeing right now, with those due process hearings in the past, they would just put in place an order of what's going to happen in the classroom. So for parents who are in an in person, program, that's the type of thing that the hearing officer would order would be put into the classroom. And the really good thing for parents to know is that there is a prevailing party fee shifting statute and idea, and it's in the state laws as well, that basically says, if a parent prevails and changes the legal status of the parties, that parent can seek their reasonable attorneys fees from the school district. And this is true in a lot of civil rights laws, where basically you are, you're successful in your action, the school will pay your attorneys fees. And so this allows experienced special ad attorneys like we screen cases, for me, if a parent can't afford a case that that doesn't concern me at all, what I'm looking at are cases that are going to be successful, where I'm looking at this IEP, so there's nobody in their right mind who can say that this is appropriate, because we know we'll be able to get paid. And so that is, you know, one thing for parents to be aware of, if you're working with somebody who's experienced and you have a really good case, no matter what state you're in, they'll normally make either you know, a payment plan, or they'll talk to you about, you know, other options. But that those cases are things that are designed so that civil rights attorneys can afford to take them, which is why, you know, there's a prevailing party fee shifting statute, and parents aren't going to have to pay school attorneys face, unless they filed this, this action just like as a frivolous action. I'll give you an example of what would be constituted frivolous, your child's been out of that school for five years, and you have been advised by a number of attorneys that the statute of limitations is two years, and you decide to file this pro se on your own, you keep filing numerous motions, and you're doing things simply to harass the school district. And that's what triggers, you know, an action being frivolous, there's no grounds for it. A parent simply, you know, saying my child's IEP is inappropriate, they're currently a child in the school, that's not something that's going to be frivolous, unfounded, or being filed just to harass.

Debbie: And most attorneys, I imagine would do a consult to ensure that there is a case there before hiring that attorney, correct?

Catherine: Yes. And that's why parents, you know, and whatever state they're in, you need to find somebody who is experienced in your state. Who has done this. I mean, even if you have to find somebody out, you know, outside of your state who's experienced, and then have them hire local counsel in your state, it's really essential that it's someone who practices and education law, just like if you were looking for someone to do spinal surgery, you're not going to go to a podiatrist or

a gastroenterologist, you really do need somebody who is familiar with this area. And that person is going to screen your case, they're going to explain how it works. If this is an area they're familiar with, then they'll basically work with you to understand, you know, here's what we expect going in, here's how this works. Here's why I think your case is good. Here's why I think we may have some problems, here are some other options. And if a parent doesn't necessarily have a good case, at this time, a lot of attorneys hook them up with what are called parent advocates, to help sort of navigate them through the process. Parent advocates or just lay people, there are lots of them in New York State. I mean, there are people who actually even do it for a living and in Texas as well, where they basically just come in and say I'm going to help you navigate this system, understand the IEP process, understand the procedural safeguards. They're not supposed to give legal advice. They're not supposed to represent you as an attorney because obviously they're lay people, but at the same time, they can certainly most of them have been through the process themselves. A lot of them have training. And that's a question to ask if you're getting one too. But that's certainly available to parents as well.

Debbie: So what I'm hearing from this, and I'm looking over the questions that I crowdsource as well, my hunch is that a lot of families start with the school. So they have an IEP, they recognize the IEP accommodations are not being enforced right now. And so they are trying to work with the school. And I think my hunch is, again, that many parents are not realizing that there is a kind of straightforward legal process to writing that educational due process that complaint and and going through those formal systems. So do you recommend that parents start by talking with the school or what's the best way to navigate this, if you're working with the school who is not meeting the needs of the IEP, the 504.

Catherine: I think the very first thing you do as like in all relationships in life is talk about it. And if I have a parent who comes to me who's never voiced their concerns to the school, even if they've got a good case, my first thought is, go and talk to them and see what they're willing to do at this point. So if a parent has a child who hasn't been getting appropriate services, you know, I would schedule an emergency IEP, and say, my child needs the services, and they need the math. Most parents have brought up their needs. This is 99.9% repeated to schools. And in that case, that's where I think you can say at this point, look, I've talked to them about this until I'm blue in the face. I can't do it again. And if that's the case, I think you certainly may want to at least consult with someone and say, What are my options? What What advice do you have, especially in the, you know, given the climate of that individual state, but I think, you know, all of us at this point in time, I mean, COVID has changed a lot, you know, we want to give schools a little bit of grace and understanding. And so if things were good with your school prior to this, and things are at a level that when I say livable, I mean, your child is not really horribly regressing, or you have a child who is able to access the system, then I think talking to the school first and seeing if you can work it out, is absolutely the way to go. If on the other hand, you have a child, who you're looking at and saying they're losing some of the speech gains they have been made making, they are not able to access online education at all, I've

already spoken to my school, I mean, that's where I don't think you have to sort of keep trying. Other means I think that's where you can just, you know, jump to, I need a consultation with an attorney, or I'm going to talk to an advocate, I need some changes now.

Debbie: So let's talk about IEPs for a minute. You mentioned having an emergency IEP meeting, I got a couple questions about this. And I'm going to combine them. So first of all, there's the idea that there are special accommodations that we can be looking for right now, specifically in cases of hybrid or remote learning, you know, that have to do with whether or not the video has to stay on for zoom and things like that. And then for parents who are just now in the midst of an IEP process, they're struggling to know, what should they be asking for? Should they be planning for what they need now should they be planning for post pandemic life.

Catherine: So you can have an IEP meeting as many times as you needed in the year. And if things are going to change on a quarter by quarter basis, let's say we have a school that's virtual, now they're going hybrid in eight weeks, then they're going full time, you want to address the IEP you need right now, you do not need to be looking nine months into the future, you need to focus on what your child needs now. And so if you have that IEP now to address the virtual needs or the hybrid means or some of the changes that are going on in an in person setting right now, there's nothing to say you can't have that meeting again, in six weeks, eight weeks, 12 weeks to say, okay, things have changed, needs have changed. I need a new IEP meeting. And that goes even when we're not in the pandemic. For instance, let's say your child has a diagnosis of ADHD and you decide to get another evaluation and find out your child has a specific learning disability. It doesn't matter if you had a meeting six weeks ago, you can be in a new one. Now. If you have a child who has a mental health condition and you see it worsening, you can have that meeting three or four times a year until you have an IEP that is going to be supportive of your child. It's going to sort of roll with their needs. The same is true is if you have a child who's meeting the goals in their IEP, you don't need to wait that full year. I mean, the year requirement is the minimum amount of times a school has to meet, they have to meet at least once a year. But that IEP can be modified repeatedly through the year to meet the child's needs.

Debbie: So interesting, I had no idea.

Catherine: A lot of parents have no idea. I mean, I get parents all the time, who just they assume is just a document that goes for a full year sort of like, you know, we, a lot of us have car leases, right? You know, it's a three year lease, or a one year lease. So we don't realize that things can be changed. And I think that is one of the biggest things that I see from parents where we have an IEP that really needed to be changed six months ago.

Debbie: What about for families who have decided that, you know, this remote learning thing is really not working for my child or the way the school district is managing remote learning, because it looks so different, right from school to school. And so they're saying, okay, for now, I'm going to homeschool my kid until things get

back to quote unquote, normal, do they still have legal rights if their child has an IEP, and they pull them out for what could be one to two years of homeschooling to have, for example, maybe social skills therapy or other types of accommodations, have those services continue?

Catherine: And yes, and non, so I'll answer that in two ways. The first is that if you're homeschooling your child, you still have the right to get what we would call consultative services from the school, that means that they can make a homeschool based document, some school districts will still provide related services. Other school districts will just provide sometimes like guidance, access to the school psychologist updated evaluations, but you lose a lot of rights. So in those situations, and school districts where schools are going virtually, and a parent is not able to access it. What I say to parents is, don't withdraw your child, just send an email after email to the school on my child can't access this, they can't do the work, we need to do something else. And the school has to do that there's not an in between they can't say your child is true if they're not able to access it. So in some of those school districts, what a parent actually has to have happen is a teacher doing like a one to one zoom or Skype, or another service where they basically have the teacher guide the child through those materials. Other things that parents can ask for is actually to have those weekly materials mailed to them to have everything in hardcopy to have the textbooks not digitalized, but actual textbooks delivered. So if your child is one who is not great on computers, but you can put out a little math worksheet, that's something that can be done. You know, beyond that, when we have something, you know, let's say they're sending the hardcopy materials, you can ask your school to have a teacher or an aide or another individual, again, do that sort of live session, go over the work with the child, record the math lessons, so they're watching it as a video, there are a lot of options. And that's a much better way to go, than to just basically sort of throw up your hands because then you've really let the school off the hook. And unfortunately, that's what a lot of parents do. That's why we all get this is one size fits all, if it doesn't work, when parents just bail from the system, then they're like, hey, well, you know, that's 15 less kids who we don't have to manage in that respect. You know, I am a big believer that most people who go into education go because they want to teach children. But in our day and age where idea is underfunded, teachers are, you know, usually battling with administration's I certainly see more now than I even did 20 years ago, where if children who have special needs just leave the district or homeschool schools or like, again, that's that's a child we're not going to have to spend time on. And so I just don't necessarily think parents who want to throw up their hands should do that. They should really demand that accountability, because that's what the law does require is that appropriate, accessible program.

Debbie: What about evaluations? So people are getting mixed messages about whether those evaluations that are done by a school district have to be done in person or they can't be done virtually. And so there are parents who are waiting for evaluations or assessments because nothing is happening in real life and in certain school districts right now, what can parents expect or push for when it comes to getting those types of assessments from the school district.

Catherine: So evaluations, number one can be done virtually. And that does not mean that every testing measure can be given virtually. But that means that some of the base level assessments may be able to be done. And I certainly am seeing school districts around the country do different things. And I am seeing some school districts do as much as they can virtually and then have the child come into a sort of specialized testing area, where the test administrator is literally across the room from the child. But it seems to work, I'm seeing others, you know, go ahead and just make sure everybody's got the proper equipment on. And again, they're just doing the ones that must be administered in person in person. Because the problem is that schools can't postpone these indefinitely. And if we're talking about a pandemic, that's really you know, it's expected to get worse this winter. And so a child can't go a year without an evaluation, especially if they've moved into a school district, you haven't had an evaluation since kindergarten. So schools would be expected to do it to the extent they could, that may not mean that they can give the whisk or some of the other sort of standard measures. But it does mean that they can still do what they can, they can look at the child's work there. Some of the different testing companies are making this virtual, especially the use, we're seeing some evaluators use two or three cameras, so they can see the child's work simultaneous to you know, being in front of the child, they can have one on the top, that's actually looking down to watch them. Right. And we're seeing that with some of the OT assessments. And so all of that should be able to be accomplished, right? I mean, the, the only thing that you have that's going to be different is sometimes you know, we say these testing measures have to be done in distraction free environments. Part of the problem with doing some of them at home is you have a kiddo whose dog is coming up, the phone is ringing, and you may not get the same type of results.

Debbie: That makes total sense. All right. So this is a pretty specific question. But I thought it was interesting, because I also have a hunch that many listeners have kids in similar situations, this member of my community wrote, can a district take disciplinary measures against a student for non participating if non participation is due to the lack of available parent guardian to provide that constant support in a remote format? So you know, a student whose home with a parent, but the parent has to work during school hours, and so they're just not attending to the school work?

Catherine: You know, interestingly, that is a really good question, because we are seeing cases across the country where schools are attempting to do this. And what we're arguing in those cases is that a school is not making the program accessible enough that the child can do it on their own. And then reporting that parent to for instance, Department of Child Services are reporting that child is true and is simply at the school taking retaliatory action trying to push that child out of the district. Because what happens most in those cases is that a school can only go after you for truancy, if your child is enrolled in a public school, what most parents don't know is you just withdraw your child from a public school and there's no truancy. And so those are certainly retaliatory actions. So what a school is supposed to do, let's say you have a child who is 12 years old learning disability, and I use 12 because really, we shouldn't, you know, it depends on the state, but you shouldn't probably leave children under 12 home alone, but

parents are going to do it, right? They're gonna run to the grocery store. It's like the nature of life, and you get some really responsible eight year old so you can run to the grocery store and be fine. But we're seeing schools say, you know, like, Johnny turns off his camera, the teacher says, Don't turn it off. And then he just, you know, blanks off. We're seeing a teacher count that as an absence, and then we're seeing parents get these truancy forms. And really what should be done is the school should be sending letters to the parents with how do we make this accessible. What I see some school districts doing is basically again, using the handwritten materials and when I say handwritten typed materials being mailed to the house, asking the child to complete those, offering parent training offering you know, I see some getting teachers on emergency licenses, offering to do evening classes for these students. offering to record things doing what we call sort of like a almost a flipped math instruction where they just Send them a short video on, watch this video, and then we'll meet with you 20 minutes this evening to go over how to do it, we'd really expect schools to be engaged in that, because the problem, as all of us might imagine is when you have one parent households, and that parent has to work to pay the mortgage, and to pay for the groceries, we're talking about a situation where they don't have an option. And the question then is, schools or public entities, they are not. I mean, it's like the post office. It's like the Social Security Administration, they have one job, and that's to figure out how to educate the children within their populace. And we know that there is a huge population in the United States of one parent households. And we know that a lot of these one parent households, that parent has to be working. So we need schools to be stepping up and saying, how do we address this? Should we be having teachers who don't necessarily work on Monday and Tuesday, but they work on Saturday and Sunday? Or they work on evenings where we're really thinking outside of the box? Our eight to three schedule, right? I mean, it's one of those things that maybe it works when we're not in a pandemic. But we certainly need to consider are there ways that we can change school now to actually and truly meet our students' needs?

Debbie: Thank you, that is such a helpful answer. And I mean, this whole conversation, you've shared so many great things to think about, you know, again, I've been doing this work for a long time, and I learned a ton. And I appreciate everything that you shared today. And before we say goodbye, can you let listeners know where they can learn more about you if they want to connect with you? And then also if there's one thing you want listeners to leave this conversation and knowing what would that be?

Catherine: Yeah, so I'll start with one thing I want them to remember is that there are not only are there laws that protect their child, and that they shouldn't be scared of enforcing those laws. And I want more parents to understand that, while we love our dedicated teachers, sometimes they need parents' help to, to really push and change administration, and the funding for schools. So don't be afraid of the process. Don't be afraid of advocating for your child. Because unfortunately, in this world, you could be your child's only voice and you don't want to let time pass just hoping it gets better. So that's I think the main thing is, know that you have rights. And don't be afraid to, you know, be more aggressive and your advocacy for parents who want to connect with me, I'm, I actually have if they

want to connect with me by Facebook, it's under Katherine Michael education attorney. My law firm is Connell Michael Kerr, and they can visit our law firm website, and that is [www.cmklawfirm.com](http://www.cmklawfirm.com). And then I also have that book that's going to come out both in an ebook form that I've tried to make as affordable as possible, and then a paperback book, and it is *The Exceptional Parent's Guide to Special Education*. It is being released December 1, I believe, but parents can preorder it. And it's basically made to give you a really easy guide and worksheets, what you need to do to prepare for IEP meetings, and to be, you know, take the place of what we often do in our consultations, but make it super affordable and easy, because I know that this is complicated stuff in a lot of respects. If I didn't do it every day, it would be you know, because again, I have children, too, I wouldn't have known any of us. And I know there's so much information out there on the internet. There's so much conflicting information. And I think it just can get complicated for parents and they'll just throw up their hands and I don't want them to throw up their hands. I want them to know that it's sometimes easier than they think it's just figuring out how to navigate it.

Debbie: Yeah, excellent. Well, listeners, I will have links to all those resources, including Catherine's new book, which Congratulations, I am excited to check that out. And I think that's very cool to have that resource coming available for parents everywhere. So I'll have the links on the show notes pages. And Catherine, thank you so much for all of this and just so much time you spent walking us through this today. I really appreciate it.

Catherine: Thank you so much too. I really enjoyed being on and look forward to talking in the future.

## RESOURCES MENTIONED:

- Catherine Michael's law firm
- Catherine on Facebook
- *The Exceptional Parent's Guide to Special Education (The Exceptional Parents Series)* by Catherine Michael
- IDEA // Individuals with Disabilities Education Act
- FAPE // Free Appropriate Public Education