BABINSKI **LAW BEAT**

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WHAT ARE WE TALKING ABOUT?

Governor Whitmer released her Return to School Roadmap on June 30, 2020

The plan details the safety measures schools will need to implement to reopen, depending on what phase Michigan is in. However, as the number of Coronavirus cases continues to rise and the future remains uncertain, many school districts are choosing to remain virtual or to do a hybrid of online and in-person learning. Be sure to contact your local school to find out what their plan is for the start of the 2020-2021 school year.

READ MORE

WHAT WE'RE READING

The Yes Brain: How to cultivate courage, curiosity, and resilience in your child

by Daniel J. Siegel, M.D. and Tina Payne Bryson, Ph.D.

As a parent or a professional working with children, our goal is to help children cultivate their "Yes" brains, to teach them how to positively face challenging or new situations, instead of reacting with angry outbursts or withdrawing into themselves. Drawing on research from around the world and using an interpersonal neurobiology lens, Dr. Siegel and Dr. Bryson explain the science behind a yes versus no brain in easy to understand terms and provide practical strategies parents can use with kids of all ages to help them develop a Yes Brain and become happy, well-rounded individuals and adults. Learn more about the authors and get a copy of the book by visiting their websites, www.drdansiegel.com/books/the_yes_brain and www.tinabryson.com/about-tina-bryson.

UPCOMING EVENTS

Return to School Conversations

Michigan Alliance for Families

AUG | 27th | 2020 | 12:00 -1:00pm

REGISTER HERE

My Child's Handwriting is So Messy!

ADDitude Mag

AUG | 27th | 2020 | 12:00 -1:00pm

REGISTER HERE

Understanding & Changing Behavior for Parent of Kids with Autism:

SDSU Center for Autism & Developmental Disorders

SEPT | 15th | 2020 | 8:00- 9:30pm

REGISTER HERE

YOU ASK, WE ANSWER

My child is in 8th grade. The district wants to pass my child & have them start 9th grade this fall, but because they were falling behind before the shut down and the school's online learning program barely provided any education, I want them to repeat 8th grade. The school district refuses. Can I do anything about it?

As a general rule, no. The decision to retain or pass a child is a decision for the school district and parents do not have a legal right to force the district to retain a child. However, if you truly believe that your child should be retained, you can always do your best to advocate for your child. The school district should have a policy detailing what factors are considered and how these decisions are made—you can check with your superintendent or school board and request a copy of this policy or find it on your district's website. Then, write a letter and schedule a meeting with your school principal to discuss why each factor of the district policy supports retaining your child. When advocating for your child though, it is very important to keep in mind that most research shows retaining a student tends to be more harmful socially and emotionally, and the student doesn't make the expected gains because nothing about the educational instruction changes. Before deciding that the district should retain your child ask yourself some important questions: why do I want my child to repeat this grade? what am I hoping they will gain from it? how will it affect their social-emotional development? The school district is required to provide students with disabilities a free and appropriate public education. It is very possible that rather than retaining your child, the school district may need to evaluate your child for special education services, or if your student has already been identified, revise the student's IEP to provide additional or different interventions and supports. This might be the time to utilize an IEE if you disagree with the district's evaluations.

I am a parent of a child with special needs. My school district is starting the school year entirely online and I'm very nervous. I feel like my child received no educational benefit from the online learning last school year and is only going to fall farther behind. I don't think the online instruction works for my child. What can I do?

First and foremost, GET DATA. Take notes and write down WHY the online instruction isn't working and what you think would work better. Be as specific as possible. Is the issue the work itself—too easy, too hard? Your child's ability to maintain focus? A certain subject? Difficulty using the online platform? Once you have your thoughts organized and some data on the work your child is doing, request an IEP meeting. Make an agenda before the meeting regarding your concerns and what you want discussed. Share this with the district at least 3 days before the meeting. Include any data that you've collected you think would be useful for the team to review before the meeting to better understand how your child is currently performing with the online learning and to better brainstorm solutions. The district still has an obligation to provide your child with a Free and Appropriate Public Education free and appropriate public education, which means your child is still entitled to be receiving specialized instruction and related services that allows him or her to receive an educational benefit and make progress towards their IEP goals. While the school year may look a little different, the school's obligation to your child remains the same.

Have a question you want to see answered in our next newsletter? Email it to info@babinskilaw.com

DISCLAIMER: The information provided does NOT constitute legal advice. The information provided in this newsletter is meant ONLY as a general overview of the law. If you have questions regarding your specific situation, please feel free to contact Jacquelyn N. Babinski, Esq., PLLC or another attorney.

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