



Investing in Student Potential

2021 Advocacy Week Audio Transcript – Know Your Rights

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00:00:00.000 --> 00:00:16.800

Jinju Park: This is the overview of topics that I'm planning to cover this afternoon. It's a lot of material in a short amount of time, so with the simultaneous interpretation we're going to have some pauses and gaps, but the theme that emerges from all of these things that

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00:00:16.800 --> 00:00:20.610

Jinju Park: I really want you to understand is that parental rights

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00:00:21.900 --> 00:00:23.070

Jinju Park: are participation

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Jinju Park: rights. So,

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00:00:25.320 --> 00:00:26.790

Jinju Park: as a parent, you have the right to

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00:00:26.850 --> 00:00:28.080

Jinju Park: know what's going on,

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00:00:28.500 --> 00:00:30.300

Jinju Park: to express your opinion,

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00:00:30.750 --> 00:00:32.820

Jinju Park: and to agree or disagree with

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00:00:32.820 --> 00:00:40.530

Jinju Park: the total decision.

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00:00:44.400 --> 00:00:46.980

Jinju Park: Let me start by introducing myself and the Office

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Jinju Park: of the Education Ombuds.

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00:00:58.110 --> 00:01:01.290

Jinju Park: We're a state agency in the governor's office that was.

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Jinju Park: founded.

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Jinju Park: by the state legislature in 2006.

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Jinju Park: ...

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Jinju Park: Our purpose

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Jinju Park: is to reduce

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00:01:09.990 --> 00:01:12.420

Jinju Park: education opportunity gap

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Jinju Park: and help all students participate and benefit from education in Washington.

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00:01:19.380 --> 00:01:20.640

Jinju Park: We do that three ways.

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Jinju Park: One is through case work

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Jinju Park: which is direct assistance with families to help them navigate the system through free, confidential, impartial, and collaborative support.

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Jinju Park: We offer assistance through our intake helpline sometimes through direct intervention with schools, so if you call us, we can answer questions, offer assistance or guidance. What we can't do is we can't investigate things, compel any outcome, or fix any problems.

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00:01:50.580 --> 00:02:06.450

Jinju Park: And the second big bucket is trainings and outreach like this presentation. We go around the state and offer similar presentations to parents, community organizations, and nonprofits about K- 12 public schools and parent rights and responsibilities.

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Jinju Park: And the last bucket is policy.

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Jinju Park: So we make policy recommendations and share best practices to help improve outcomes and eliminate opportunity gaps for all students.

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00:02:22.500 --> 00:02:24.780

Jinju Park: And we do all this with just seven employees.

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Jinju Park: I'm not going to go

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Jinju Park: too in depth about what's available on our website because that's boring, and I wanted to highlight

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00:02:37.110 --> 00:02:56.700

Jinju Park: the information that we do have that is useful and get you to go see it for yourself. First of all, just so you know our website has been translated into multiple languages and is accessible for the visually impaired. There are toolkits, handbooks, articles, guides on special education.

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00:02:58.920 --> 00:03:10.080

Jinju Park: There is detailed information on special education and the IEP process, as well as topics that are also valuable for parents to know like transportation, COVID,

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00:03:10.650 --> 00:03:21.240

Jinju Park: harassment or bullying in schools, attendance and truancy. So if you'd like to speak to an ombuds about your issue and obtain some guidance, direction, or training, you can also find a form on our website.

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Jinju Park: And also there there's a list of resources where you can see community organizations, nonprofits, and other agencies that might also be helpful.

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Jinju Park: Right, so I know it was only like three minutes ago, but do you remember the theme for what parental rights are?

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Jinju Park: They're participation rights. So you have the right to be informed, you have the right to be heard, and you have the right to agree or disagree. So what I want to do now for the rest of the talk today is talk about what that looks like before, during, and after an evaluation.

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Jinju Park: Okay, so before the evaluation, something important to know is that the evaluation is the foundation of an IEP.

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Jinju Park: And many times when parents,

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Jinju Park: when your children are first found eligible for special education, it's overwhelming... it's confusing.

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00:04:26.850 --> 00:04:32.220

Jinju Park: Sometimes it's even a shock that school staff would suggest that your child has a disability so

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Jinju Park: it's a very complicated seeming system and it's also a really overwhelming system. And parents often feel like they don't have any control and so they're just along for the ride. But, the fact is that parents are a very important and key participant in the process.

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Jinju Park: The number one reason why parents are so valuable and crucial to the process is because you're the expert when it comes to your children.

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Jinju Park: Nobody in the world knows your child better than you, you know how they react in different situations, what their specific challenges are, and how you can best help them.

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Jinju Park: School team doesn't have the same understanding and so your role is really crucial to help a group of strangers understand your child.

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Jinju Park: The evaluation process really starts when somebody and that could be anybody, it could be a parent, it could be a relative, it could be a friend, a medical professional, school staff...

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Jinju Park: Anybody suspects that a student has a disability that is impacting their schoolwork.

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Jinju Park: So one of the rights as a parent that's really key is the right to request that your child be evaluated if you suspect that they have a disability that impacts their education and could require some specially designed instruction. So that's what I consider your right to be heard.

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Jinju Park: And once you or anyone else makes that referral, the school will convene a meeting within 25 days and decide whether or not an evaluation is necessary.

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Jinju Park: During that time,

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Jinju Park: the school will convene a meeting and review the data and examine whether the barrier to learning is caused by something else, like it could be language, it could be anxiety, it could be

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Jinju Park: a relationship issue with a student or a teacher. But, once the school has had a chance to review the data, it can decide whether or not to reevaluate the student and you'll be invited to participate in this meeting because again that's your right to be heard.

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Jinju Park: So a little bit about that initial evaluation meeting before the evaluation starts. At that meeting the team decides,

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Jinju Park: discusses the evidence for or against the evaluation and then decides whether or not to evaluate.

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Jinju Park: So at that meeting, please be prepared to share the information that you know about your child's school challenges or deficits and

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Jinju Park: it's not just academics, it can include academics but it's also behavioral or emotional. How does your child act on the playground? What are they sensitive to in the school environment? And what are the social skills challenges or activities that they have trouble with?

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Jinju Park: You also absolutely should consider sharing information from doctors or inviting people who also know your child really well and who can help share their concerns and what they've seen as people who know your child because, again, you are the expert when it comes to your child.

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Jinju Park: Once the team decides whether to evaluate or not, the school issues what is called a prior written notice or a PWN.

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Jinju Park: And a PWN is exactly what it sounds like. It's something in writing that gives you notice of a decision before it's implemented so it's after a decision has been made before any action is taken.

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Jinju Park: And under federal law, this is required at specific times and it's anytime a district proposes or refuses

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Jinju Park: to find a student eligible or not eligible to do an evaluation, to change students' placement, or change the provision of faith, free appropriate public education that is like the nature of services that your child is receiving.

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Jinju Park: So after deciding to evaluate or not evaluate and before starting the evaluation, the school has to send you a notice of its decision in writing.

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Jinju Park: Okay. But it's not just you know, a notice that says we decided to do X. There are also some additional requirements.

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Jinju Park: Prior written notice not only has to be in writing and sent after the decisions made but, before the end before the action is taken, but also needs to explain the decision.

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Jinju Park: You know, as teachers, like to say, they need to show their work. They have to describe

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Jinju Park: the action that's being proposed or refused and provide the reasons why so that you know, and you have the right to be informed. So that includes a description of the evaluations or records that they relied on in making that decision.

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Jinju Park: It includes any evaluations, any description of other options that they thought about but decided not to pursue and you know explanation why they were rejected, and also information about what your procedural safeguards are.

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Jinju Park: The procedural safeguards any child who, any parent who has a child in special education will know it's just the booklet that you get all the time.

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Jinju Park: It's a standard document that describes all of your legal rights. Most parents just keep copies of these and don't really look at it, or get around to reading it, because there's so much

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00:10:19.680 --> 00:10:28.650

Jinju Park: other information headed your way it's like drinking out of a fire hose. But, it is a good resource that you should keep and you should look at any time you have questions or concerns or

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Jinju Park: you know there's a possibility of a disagreement with the team, because it does outline all those things. You do have rights.

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Jinju Park: A really important point that I want to raise here, especially for anybody who is listening with the assistance of our translators,

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Jinju Park: is that you have the right to get this prior written notice translated into your home language. It's not just this prior written notice before the evaluation, but all prior written notices.

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Jinju Park: In the US, there are two laws that provide that protect your right to get information about your child's education and to participate fully in the decision making process without

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Jinju Park: language barriers. One is the Civil Rights Act and the other is the Educational Opportunity Act. Those require school districts to provide

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Jinju Park: important educational records in the parents' home language.

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Jinju Park: You also under those laws have the right to request an interpretation interpreter for the meeting, any IEP meetings and procedural protections the standard booklet is those are also available in most languages on OSPI's website.

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00:11:46.830 --> 00:12:01.530

Jinju Park: And so, if English proficiency is a barrier, please ask for interpreter or translator this, this is also you're right. It's not something that you're asking as a favor to the school district, it's something that they are required to provide.

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Jinju Park: And just as a side note, some school districts will say that the IDEA, which is the law that governs special education, will say that the IDEA does not require

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Jinju Park: a translator or interpreter. And that's true because this requirement is not in the IDEA, it has nothing to do with special education specifically, but educational access in general.

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Jinju Park: So, once you have the prior written notice,

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Jinju Park: you have the right to agree or disagree. You can't really have the right to agree without also having a right to disagree. So in this case, in order to start the evaluation, parents must give informed consent.

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Jinju Park: Without getting too much into the weeds because this is like a complicated area that you could actually spend an entire

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Jinju Park: presentation on, the definition of a parent in Washington, for the purpose of education includes biological parents and all the different people who step into that role or step up to that role to fill that

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Jinju Park: spot for children and youth. It can include you know mother, father, grandmother, aunt, foster parents, step dad...

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Jinju Park: Anybody who ends up being the primary caregiver for a student.

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Jinju Park: So informed consent is not just saying yes or no. You need to be as it would indicate, fully informed. So fully informed in your native language or some other mode of communication.

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00:13:47.760 --> 00:13:59.820

Jinju Park: So, you have to understand and be able to agree in writing and understand that it's voluntary and you can also revoke consent. You can decide at some other time that no I don't agree to this and that's also your right.

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Jinju Park: In the case of an initial evaluation, a school district can in limited circumstances pursue an evaluation without parental consent. But the district has to get

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Jinju Park: basically a court order allowing them to override the parents lack of consent. They cannot do it, and just go ahead and do it over your objections without a court order. So the district,

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00:14:25.830 --> 00:14:28.920

Jinju Park : would have to file for due process.

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Jinju Park: And if if you still decide to refuse consent to services, then that's just the end of the matter. The district is not liable for the failure to provide a free appropriate education and there are no IEP meetings and there will be no special education.

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Jinju Park: Okay, so now we're at the point where

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00:15:03.390 --> 00:15:12.870

Jinju Park: the evaluation started. So again, this is a situation in which a pair, a lot of parents feel like it's out of control and you're just along for the ride. But, even

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Jinju Park: during the evaluation, you still have rights in the process. So during the evaluation process, you have the right to a thorough evaluation.

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Jinju Park: What that means is that if the school proposes to evaluate your child in a specific area where they suspect a disability, like math but you also know that

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Jinju Park: your child struggles with understanding social cues on the playground, then you can ask them to evaluate in the area of social emotional needs.

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Jinju Park: Because thoroughness isn't just doing one area thoroughly, it's examining all the areas that may apply to the situation.

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Jinju Park: The evaluation itself needs to include a variety of tests and data collected from you, and teachers, and other sources.

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Jinju Park: It could include you know input from your child's doctor, any medical diagnoses...

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Jinju Park: The goal is, ultimately, to get a full and complete picture of a student's functional, developmental, and academic abilities.

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Jinju Park: And you know it's also important to you know reiterate here that education isn't just academics. It's not just learning math and writing. It's also learning how to function in the world safely and productively.

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Jinju Park: All right.

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Jinju Park: An evaluation also needs to be fair and non-discriminatory.

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Jinju Park: So, if your child has limited English proficiency or needs a specific method of communication, like American Sign Language or Braille, the evaluation needs to be given in those languages or those methods to make sure that the results are accurate.

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Jinju Park: It doesn't make sense to assess a child for their cognitive abilities when they don't understand the language being spoken.

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Jinju Park: Oh I'm missing a slide. Okay, well the last

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Jinju Park: issue is transparency. So, another right that you have is the right to understand what that evaluation said, what was done, and how it was done. So after the evaluation

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Jinju Park: is complete, you have the right to see what happened.

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00:17:53.190 --> 00:18:05.100

Jinju Park: We're going to talk a little bit more about that because the next step is that once the evaluation is complete, the evaluation team, including the parents will meet in person to do three things.

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Jinju Park: First, is review the results of the evaluation.

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Jinju Park: Second, is ask,

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Jinju Park: is decide whether or not the student is eligible for an IEP. And the third is to make recommendations to the IEP team regarding the instruction services and accommodations the child needs based on what the evaluation said.

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Jinju Park: So,

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Jinju Park: when it comes to reviewing the evaluation results, you are entitled to a copy of the evaluation report and supporting documents at no cost. That also includes the right to having translated documents, if a translation is necessary.

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Jinju Park: Our recommendation always is to ask for a draft of the evaluation before the meeting, if necessary, ask somebody to review it with you. That could include you know your child psychologist or other service provider, or an advocate.

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Jinju Park: And when you're reviewing it, consider whether the report seems to accurately describe your child. You know, are those areas of struggle, the areas of struggle that

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Jinju Park: coincide with your understanding of your child? Does the evaluation address your concerns about your child's progress at school?

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Jinju Park: Or does it just leave off whole areas that you wanted evaluated but didn't seem to really shed any light on the situation?

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Jinju Park: Sometimes evaluations can also raise new questions and so you can see the evaluation and wonder oh that's interesting, I wonder what that means. In that case, it's an area to flag for further follow up with the team.

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Jinju Park: And finally, does it seem helpful in any way, because it has to be

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Jinju Park: the basis for an IEP.

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Jinju Park: Does it

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Jinju Park: kind of lead you to understand what kinds of supports and instructions your child will need?

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Jinju Park: The big

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Jinju Park: point is to be ready to ask questions at the meeting, to share your ideas, and to consider different perspectives and input.

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Jinju Park: You are as a parent again,

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Jinju Park: primarily...

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Jinju Park: As a parent, your right is primarily to participate in these kinds of decisions.

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Jinju Park: And you have the right to be at the team meeting, to participate in the discussion, and to be heard.

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Jinju Park: And at that meeting

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Jinju Park: that participation would be you know being ready to make recommendations to the IEP team regarding your child's

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Jinju Park: instructional services and accommodations.

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Jinju Park: For example.

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Jinju Park: you know what might work at home to help deescalate a situation, or what techniques have worked to help encourage them or motivate them to take part in challenging situations.

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Jinju Park: So, giving that information to the school team about how the child's disability impacts their academic, developmental, and functional needs is really key along with what you've been doing that works and what your child may need to participate and make progress.

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Jinju Park: At the end of the meeting,

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Jinju Park: each... at the end of the evaluation meeting, each member of the team will be asked to sign whether they agree or disagree with the report and determinations.

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00:22:07.440 --> 00:22:17.490

Jinju Park: This is different from IEP meetings. In an IEP meeting, when you sign the IEP, you don't sign to say that you agree or disagree. You sign the IEP to

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00:22:18.780 --> 00:22:32.760

Jinju Park: confirm that you were there and participated. But in the evaluation setting you do have the right to choose-- to agree or disagree, whether that evaluation was appropriate and complete and accurate.

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Jinju Park: What happens if you don't agree?

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Jinju Park: So, like we said earlier, you know, consent is only consent if you can give it or withhold it freely.

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Jinju Park: So if you don't want your child to receive a service or a specially designed instruction in one of the areas identified in the evaluation, then you can give partial consent.

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Jinju Park: I have heard of situations where some districts say it's all or nothing. You have to take all of the services and all of the areas or you don't get any educational services.

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Jinju Park: But that's not how that works. It's not all or nothing. You can choose what services you will consent to the school providing.

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Jinju Park: Okay, if you disagree with the results of the evaluation and not so much like the areas of service, then you can request what's called an independent educational evaluation or an IEE.

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Jinju Park: So this this disagreement can arise when you don't agree with the way the tests were administered, or the tests themselves because you think they were inappropriate, or the results you just think that they're wrong.

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00:24:03.960 --> 00:24:21.150

Jinju Park: When you request an independent educational evaluation, we strongly recommend that you do it in writing. You don't need to do it in writing, but it's strongly recommended because that will serve as documentation of your request because it'll show that it was made, and when it was made.

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Jinju Park: The timelines are really important here.

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Jinju Park: And so, an IEE is an independent educational evaluation done by a qualified professional who is not employed by the school. So that's where the independent comes in.

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Jinju Park: The school will usually provide you with a list of qualified providers who could

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Jinju Park: do the IEE, but you're not required to choose somebody recommended by the school. It could be anyone who you trust.

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00:25:05.490 --> 00:25:23.370

Jinju Park: If the school disagrees that an IEE is necessary, then it can file what's called a due process hearing to ask a judge to review the evaluation and decide whether the evaluation was faulty and an independent of educational evaluation is necessary.

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Jinju Park: The district has 15 days to do that, so just saying no doesn't count. If they just say no and they don't file a suit within 15 days for a judge's review, then it's deemed granted.

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Jinju Park: So that's why the timelines matter and why I recommend that you submit your request in writing.

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Jinju Park: And then when the request is granted, you have the right to choose the evaluator.

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Jinju Park: As I said, they will usually provide you with the names or the qualifications that an evaluator should have but, ultimately, you can decide, whoever it is that you want to work with who you have a rapport with or you trust to get it right.

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00:26:08.130 --> 00:26:15.330

Jinju Park: And the school is going to be responsible, responsible for paying the evaluation, it is at no cost to the parents.

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00:26:18.180 --> 00:26:24.360

Jinju Park: And that's why sometimes you know schools will deny their request because it is an expensive process.

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00:26:36.360 --> 00:26:45.900

Jinju Park: An appeal is the option that you would turn to if your child did not qualify for special education services, but you believe that they should have.

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00:26:47.190 --> 00:26:53.670

Jinju Park: So sometimes districts will complete the evaluation and say, well, there are some deficits, but nothing

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00:26:55.140 --> 00:27:11.760

Jinju Park: sufficient to require specially designed instruction in any specific area. If you disagree with that decision, then you would appeal that. And the way that an appeal is done is it involves filing a due process hearing request with the Superintendent of Public Instruction.

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00:27:13.170 --> 00:27:20.670

Jinju Park: The dispute is then sent to the Office of Administrative Hearings to be heard by an administrative law judge who is an independent third party

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00:27:21.900 --> 00:27:31.500

Jinju Park: who's appointed specifically for the purpose to hear these kinds of disputes. And your responsibility at that point would be to

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00:27:33.540 --> 00:27:41.280

Jinju Park: convince the judge that the evidence shows the school district was wrong to make the decision that it did so, you know

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00:27:42.330 --> 00:27:49.470

Jinju Park: you would have to bring enough evidence to show that they do need special education services, whether that be through

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00:27:50.790 --> 00:27:56.160

Jinju Park: you know, doctors reports or just your testimony experience with the child.

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00:27:59.460 --> 00:28:03.690

Jinju Park: If you don't want to go the appeal route, there are other options that you could pursue.

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00:28:06.780 --> 00:28:07.860

Jinju Park: Slides are slow.

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00:28:17.340 --> 00:28:27.840

Jinju Park: So there are other steps short of filing a hearing request that you can really, you can try to resolve the disagreement and it's a

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00:28:30.300 --> 00:28:32.220

Jinju Park: bit of a spectrum.

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00:28:33.480 --> 00:28:47.370

Jinju Park: The first thing to do though is if you disagree, then, absolutely document the disagreement in writing, through the prior written notice and even though it's the prior written notice is ultimately a school districts'

171

00:28:48.690 --> 00:28:55.980

Jinju Park: decision you have the right in the parent comments section to express your disagreement with the decision that the school took.

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00:28:58.650 --> 00:29:02.730

Jinju Park: The second issue is, you can ask them to

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00:29:03.990 --> 00:29:22.890

Jinju Park: develop a plan to review more data, to try different things, and then come back and review it in another in a time period that seems reasonable under the circumstances, say, a month or three months to see whether the other invent interventions that they've proposed are working or not.

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00:29:24.540 --> 00:29:25.230

Jinju Park: Another

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00:29:26.430 --> 00:29:43.830

Jinju Park: non-conflict oriented way to resolve a dispute is to seek help you know, get an outside perspective, talk to an advocate, talk to our office, talk to the parent liaison, and see you know whether there's something that

176

00:29:45.750 --> 00:29:48.390

Jinju Park: might be relevant to that decision that you haven't considered.

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00:29:52.080 --> 00:30:05.490

Jinju Park: If your child has a disability and still needs help in school, but doesn't qualify for specially designed instruction, there is alternative options. Section 504 of the Rehabilitation Act

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00:30:08.010 --> 00:30:18.660

Jinju Park: says that a disabled student is entitled to the sports and accommodations that would put them in the same position as their non-disabled peers.

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00:30:19.890 --> 00:30:26.640

Jinju Park: So they wouldn't have specially, they wouldn't qualify for a specially designed instruction because the

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00:30:27.120 --> 00:30:35.610

Jinju Park: special education process really you know, is based on the premise that a student has a disability that impacts their learning and for which

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00:30:36.150 --> 00:30:42.150

Jinju Park: they require specially designed instruction. But some students don't really need the specially designed instruction.

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00:30:42.990 --> 00:30:56.010

Jinju Park: For example, you know, a student with anxiety could qualify under Section 504 for accommodations and modifications like longer test times, quiet rooms, permission to leave class as needed.

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00:30:58.110 --> 00:31:06.330

Jinju Park: Students with diabetes also qualify for Section 504 protections including you know trips to the nurse, food and drink in the classroom.

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00:31:07.710 --> 00:31:18.510

Jinju Park: And these students might not need specific instruction that's specially designed for them to understand and participate in the curriculum, they just need additional support that their non-disabled peers

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00:31:19.740 --> 00:31:20.550

Jinju Park: don't need,

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00:31:21.690 --> 00:31:29.100

Jinju Park: but it puts them in the same position as being able to participate in education as their peers.

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00:31:35.040 --> 00:31:48.840

Jinju Park: Alright, so we're moving on to past the evaluation stage to IEP development and implementation. I spent quite a bit of time on the evaluation process because the evaluation is the foundation of the IEP.

188

00:31:49.230 --> 00:32:02.280

Jinju Park: It really lays out the roadmap of what the disabilities are, how they impact the student's education, and how much instruction, where, with what supports a student needs to benefit from their education.

189

00:32:20.940 --> 00:32:32.280

Jinju Park: The IEP process isn't just an evaluation and then you build the IEP on top of that, and then you're done. It's really a journey and you constantly

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00:32:32.520 --> 00:32:50.850

Jinju Park: have to evaluate and reevaluate how that journey is going, whether you're in going in the right direction, where the students should be going, and how to get there. At a minimum, the IEP team meets once a year to discuss you know how the education is going, what's working, what's not working...

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00:32:52.860 --> 00:32:59.280

Jinju Park: To figure out where the student is now and where you want the student to be in one year. That would be your annual goals.

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00:33:00.900 --> 00:33:06.660

Jinju Park: And to make any changes to get there. So it's it's like a process of navigation.

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00:33:13.410 --> 00:33:14.940

Jinju Park: In an ideal situation,

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00:33:17.040 --> 00:33:25.320

Jinju Park: You know the team would meet, discuss, agree, make a decision, and be ready to take any follow up or next steps.

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00:33:26.970 --> 00:33:32.070

Jinju Park: It's a-- it would be a efficient way to resolve issues to

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00:33:34.170 --> 00:33:35.820

Jinju Park: do this, but there's often

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00:33:37.410 --> 00:33:55.830

Jinju Park: a lot of disputes along the way. But before you know we get to what happens if there is a disagreement, let's talk about what a consensus is. A consensus is a common understanding. It's not unanimous. This is not a democracy where everyone gets a vote and the majority wins.

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00:33:56.850 --> 00:34:00.600

Jinju Park: You don't go to an IEP team meeting and you know pull the individual members.

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00:34:01.620 --> 00:34:18.720

Jinju Park: It's more of a general agreement of opinion, so typically even in the most successful IEP team meetings, not everybody will agree 100% with every detail. But as long as the team as a whole is generally willing to give it a try, that's a consensus.

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00:34:19.890 --> 00:34:23.520

Jinju Park: So once there's a consensus, the team makes a decision at that point.

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00:34:25.950 --> 00:34:40.740

Jinju Park: Sometimes specific team members may be outliers and disagree and sometimes the parent is the one who disagrees, but whether the parent agrees or not, the IEP team or school district has to make a decision.

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00:34:49.980 --> 00:34:58.620

Jinju Park: So in the unfortunate situation where the IEP team has reached a consensus, but the parent is the only person who doesn't agree,

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00:34:59.730 --> 00:35:07.050

Jinju Park: there are some other ways to engage in the process to be heard.

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00:35:08.700 --> 00:35:22.620

Jinju Park: You know, one of the lowest levels of conflict resolution would be to ask the team to reconsider. That includes again options like postponing changes to IEP until the team has more information

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00:35:23.640 --> 00:35:24.120

Ziying Liu: and

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00:35:24.150 --> 00:35:26.670

Jinju Park: you can meet for further discussion later. You know

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[Type here]

00:35:26.910 --> 00:35:30.390

Jinju Park: situations in which this would be appropriate, would be where

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00:35:31.530 --> 00:35:36.180

Jinju Park: you know you're trying a change of medication and you're waiting it for to kick in before

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00:35:36.480 --> 00:35:38.070

Jinju Park: seeing how that impacts

210

00:35:40.170 --> 00:35:42.750

Jinju Park: your child's educational needs.

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00:35:44.160 --> 00:35:44.670

Jinju Park: Um, it can include

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00:35:45.690 --> 00:35:46.170

Jinju Park: going

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00:35:46.950 --> 00:35:49.920

Jinju Park: to the doctor to get the data that a team.

[Type here]

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00:35:49.920 --> 00:35:50.370

Jinju Park: would need.

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00:35:50.490 --> 00:35:53.100

Jinju Park: to consider -

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00:35:54.780 --> 00:35:55.680

Jinju Park: That could include

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00:35:55.860 --> 00:35:58.920

Jinju Park: waiting for a report to be completed and get--

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00:36:00.180 --> 00:36:01.740

Jinju Park: so that you can share that with the team.

219

00:36:04.500 --> 00:36:15.870

Jinju Park: So working out a plan with the IEP team to take data so that the team can review it in a reasonable time period to see its effects and see how successful it is, is a,

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00:36:17.490 --> 00:36:20.730

Jinju Park: can be a very effective way to be heard.

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00:36:25.830 --> 00:36:29.490

Jinju Park: If the team suggests a particular

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00:36:31.080 --> 00:36:42.120

Jinju Park: thing that a parent disagrees with, I think trying and seeing it has its value. Sometimes you have to give a little trust.

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00:36:43.470 --> 00:36:45.780

Jinju Park: Schools are experts in education and it could really help to have a

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00:36:45.780 --> 00:36:47.850

Jinju Park: different better perspective and try something new

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00:36:48.120 --> 00:36:49.890

Jinju Park: that you haven't done.

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00:36:50.970 --> 00:36:58.680

Jinju Park: Of course, in other cases, you know a parent could absolutely be proven right. Suggested course of action might not be appropriate for your child.

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00:36:59.670 --> 00:37:09.420

Jinju Park: And if it's not, then what harm is it to try and see how it goes? Because then the school has the data that it needs to rule out rule that out and try something else.

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00:37:17.760 --> 00:37:30.360

Jinju Park: And if you want to escalate the disagreement and challenge it, you do have a spectrum of options again. It's not just jumping into a lawsuit or a due process hearing request.

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00:37:32.880 --> 00:37:43.860

Jinju Park: Like your disagreements with the evaluation results you know, there are a whole other list of options that you could try like you can seek outside help,

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00:37:45.780 --> 00:37:54.750

Jinju Park: talk to a consultant, an advocate, the OSPI parent liaison, the Ombuds office... get somebody's input on you know

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00:37:56.550 --> 00:38:01.950

Jinju Park: whether that decision makes sense in this context and and what the next step might be.

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00:38:03.780 --> 00:38:13.620

Jinju Park: You can also ask for a facilitated IEP meeting through sound options that is one of the procedural rights for the parent

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00:38:14.940 --> 00:38:17.760

Jinju Park: under the law and it's in your booklet.

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00:38:20.160 --> 00:38:24.420

Jinju Park: You can also request mediation which would be

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00:38:25.530 --> 00:38:40.020

Jinju Park: a situation in which you're in one room and the team or district representative is another, and the mediator tries to understand the perspective of both parties, and it goes back and forth, to help them come to an understanding.

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00:38:42.300 --> 00:38:48.660

Jinju Park: You could also file a citizen's complaint with OSPI that is a complaint that

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00:38:49.050 --> 00:39:04.230

Jinju Park: alleges that a school district is not following the law as it should, and asks OSPI to investigate the matter and decide whether or not the school is in the right, and if it is not in the right to fix the problem.

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00:39:06.480 --> 00:39:19.470

Jinju Park: There's also a complaint with similar to that, a complaint with the US Department of Education Office for Civil Rights and like the citizen's complaint process, it's a way of

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00:39:20.490 --> 00:39:34.710

Jinju Park: expressing disagreement with the school's decision as being a being contrary to law and the Office for Civil Rights will investigate and determine whether or not there's something that needs to be corrected.

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00:39:36.060 --> 00:39:51.030

Jinju Park: And the last option is probably requesting a due process hearing and like the due process hearing that we described in the evaluation section, it is a request that's filed with the Office of the Superintendent of Public Instruction.

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00:39:52.800 --> 00:40:07.260

Jinju Park: And the Superintendent would forward that complaint to the Office of Administrative Hearings and that would be scheduled for a hearing before an administrative law judge who would look at the evidence and decide which party is right or wrong.

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00:40:15.690 --> 00:40:16.230

Jinju Park: There's

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00:40:17.280 --> 00:40:19.200

Jinju Park: the list of a spectrum.

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00:40:26.310 --> 00:40:26.820

Jinju Park: So.

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00:40:27.990 --> 00:40:37.530

Jinju Park: The big issue with you know how to resolve that kind of dispute and have to decide which method to take is usually the tough one.

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00:40:39.300 --> 00:40:54.630

Jinju Park: On the lowest end, advice is usually free. Sometimes you get what you pay for, so getting advice from a friend would not necessarily be as helpful as talking to somebody at OSPI, or OEO, or an advocate or attorney.

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00:40:57.270 --> 00:41:07.020

Jinju Park: When you're talking about a facilitated IEP meeting or mediation, I think the big question to ask yourself, is whether it's appropriate.

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00:41:08.520 --> 00:41:27.660

Jinju Park: So mediation and facilitation is really helpful if you think that you need time and help from an impartial third party who could help you work through disagreements to reach an outcome that everyone can live with. So is there still an opportunity for agreement? And maybe is there

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00:41:30.540 --> 00:41:39.660

Jinju Park: a situation where one party doesn't understand the perspective of another and isn't hearing fully? So those are very helpful in that situation.

[Type here]

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00:41:42.240 --> 00:41:46.290

Joy Sebe: Jinju, I don't know if you saw the chat, but we we have a question in the chat.

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00:41:47.460 --> 00:41:48.810

Joy Sebe: Would you like me to read it to you?

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00:41:54.690 --> 00:42:01.440

Jinju Park: Oh I'm almost done so, if we can absolutely address questions at the end.

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00:42:05.310 --> 00:42:26.220

Jinju Park: And then so after the facilitated IEP meeting right- the citizen's complaint with OSPI, that's you know really appropriate when there's a part when the disagreement can be resolved through an investigation and a decision, so you have the choice of submitting the complaint to OSPI or OCR.

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00:42:28.140 --> 00:42:37.560

Jinju Park: And with the due process hearing request, if there's really just an impasse and no agreement possible and an investigation wouldn't help

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00:42:38.760 --> 00:42:45.150

Jinju Park: potentially resolve the issue, then that's when a due process hearing is the most appropriate situation.

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00:42:47.040 --> 00:42:59.490

Jinju Park: The final caution is that while it makes sense to get things resolved at the most informal or lowest level is not to spend too long, you know stuck or fighting with your district.

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00:42:59.850 --> 00:43:08.580

Jinju Park: Or you know waiting and seeing, because the problem in relationship can get worse and then you've wasted some time.

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00:43:10.410 --> 00:43:17.310

Jinju Park: There is a one-year statute of limitations to file for a citizen's single complaint for complaint with OCR.

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00:43:18.360 --> 00:43:29.220

Jinju Park: And two years for due process hearing request, and in that time it's not just that the disagreement would never get resolved, you know, the more crucial issue is that

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00:43:30.000 --> 00:43:37.500

Jinju Park: If there really is a problem that needs to be resolved, then that's impacting the student's education, then it's not getting addressed.

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00:43:40.560 --> 00:43:43.620

Jinju Park: And with that we can take questions for 15 minutes.

[Type here]

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00:43:45.000 --> 00:43:46.590

Jinju Park: Here are some more

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00:43:48.690 --> 00:43:49.830

Jinju Park: links to

264

00:43:51.840 --> 00:43:53.310

Jinju Park: Here some links to our

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00:43:55.680 --> 00:43:58.590

Jinju Park: website and videos on our channel.

266

00:44:03.960 --> 00:44:18.390

Jinju Park: Yeah, so the takeaway here is just you know stay on top of it, be diligent, exercise your rights to be informed, to be heard, and participate in your child's education, because ultimately, those are your most important and valuable rights in the process.

267

00:44:31.800 --> 00:44:36.120

Jinju Park: If anyone has questions and you want to put them in the chat box, we can answer them.

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00:44:40.170 --> 00:44:56.970

Jinju Park: The first question here I see was that a parent was told by the special education director at the school district that the school would have to stop communication if the parent file due process. Is that true? No, it is not technically true.

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00:45:00.420 --> 00:45:00.960

Jinju Park: At all.

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00:45:02.610 --> 00:45:19.560

Jinju Park: You know the school staff may at some point have been informed by an attorney that they should not communicate anymore in some other case, so that's possible. But no as a per se rule, it is not a requirement or true.

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00:45:37.980 --> 00:45:43.530

Ramona Hattendorf: Hi Jinju. This is Ramona. Sorry I have a dog that likes to talk.

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00:45:44.010 --> 00:45:51.690

Ramona Hattendorf: I'm Ramona Hattendorf with The Arc of King County. We support a lot of families through special education.

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00:45:52.890 --> 00:46:03.510

Ramona Hattendorf: So when when somebody is faced with something like this, because this is something we we deal with where families come to us and say is this true or what can I do, and we have advice that says

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00:46:03.990 --> 00:46:10.770

Ramona Hattendorf: no, they can't do that, but then, what do you have any advice for then how do they take that back to their school district in a

275

00:46:12.180 --> 00:46:29.700

Ramona Hattendorf: constructive way, so it doesn't just like like-- What do you do with that? Because I often feel that we give parents advice, it's legally correct and technically correct, but I feel that we don't always give them the support they need to change the reality of the situation.

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00:46:31.980 --> 00:46:33.300

Ramona Hattendorf: Wondering if you had tips.

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00:46:34.710 --> 00:46:36.240

Jinju Park: That's a good question.

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00:46:37.860 --> 00:46:41.730

Jinju Park: Because if you tell a school that they're wrong, they often get defensive.

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00:46:43.620 --> 00:46:52.830

Jinju Park: If there's a disagreement then it's more fundamentally really important to understand what that disagreement actually is.

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00:46:53.280 --> 00:47:05.130

Jinju Park: So the most helpful thing would probably be to ask more about that you know why is that? You know, is that a rule? Is that in school policy? Could you explain the situation for me?

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00:47:06.870 --> 00:47:07.380

Jinju Park: Because

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00:47:08.880 --> 00:47:11.550

Jinju Park: coming to an understanding, I think is fundamental to

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00:47:13.770 --> 00:47:15.780

Jinju Park: getting to an agreement.

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00:47:22.920 --> 00:47:33.900

Jinju Park: You're welcome. I have a question here that says, am I aware of any lawsuits currently or in the past, between parents against school districts for denial of language access.

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00:47:37.470 --> 00:47:44.160

Jinju Park: I know of several throughout the country. I don't know of any in Washington, specifically.

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00:47:47.220 --> 00:48:03.780

Jinju Park: In fact, a recent lawsuit, I think it was in Pennsylvania, is what led to our understanding of what the Equal Educational Opportunity Act required for language access, especially with regards to special education records.

287

00:48:05.280 --> 00:48:21.600

Jinju Park: When I say recent I think it was in the last two years. And the US Department of Education has given us new guidance to include clarification that yes, a translation is necessary for parents to fully participate in their child's education.

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00:48:36.360 --> 00:48:52.980

Joy Sebe: Jinju, I wonder um, right now with remote learning um the issues that parents may be having are a little bit different, um can you share

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00:48:54.870 --> 00:48:57.030

Joy Sebe: like what types of

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00:48:58.050 --> 00:49:03.330

Joy Sebe: common issues related to remote learning is OEO handling right now.

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00:49:04.110 --> 00:49:11.520

Jinju Park: Okay, that's a good question. There are so many issues related to remote learning, especially for students with disabilities.

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00:49:14.340 --> 00:49:22.650

Jinju Park: I've seen issues with accessibility of materials like Schoology not being accessible to the visually impaired.

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00:49:24.720 --> 00:49:34.290

Jinju Park: There have been a lot of students who have behavioral emotional needs whose needs are not being met, because you can't get one on one support in the home.

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00:49:37.200 --> 00:49:46.920

Jinju Park: Students have suffered some anxiety where teachers have instituted a policy that cameras have to be on to be participating.

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00:49:51.420 --> 00:50:07.200

Jinju Park: And just a lack of time and services all around is a big issue. Another issue that I've been seeing more of in recent times because of the gradual return to school that schools are now doing is that

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00:50:08.130 --> 00:50:14.010

Jinju Park: a lot of parents who have students with disabilities are calling to report and ask for help

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00:50:14.520 --> 00:50:27.150

Jinju Park: understanding why their students are going to school, only two days a week, where as their typical peers are going four days a week, so there's an unequal access issue that has been coming up recently.

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00:50:30.930 --> 00:50:32.550

Jinju Park: That's, all I can think of, at the moment.

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00:50:36.900 --> 00:50:44.190

Jinju Park: Oh, mask wearing also is an issue, especially for children who have sensory issues, who cannot wear a mask and

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00:50:45.330 --> 00:50:52.050

Jinju Park: there's not really any exception right now that would allow them to do that unless you have a doctor's note because there is

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00:50:52.920 --> 00:51:08.280

Jinju Park: an exception to the ADA where you know if there is an issue with the accommodation would cause a danger to someone else, in this case transmission of disease, then they can lawfully be excluded from school, so that is another issue we're seeing.

302

00:51:17.520 --> 00:51:21.030

Joy Sebe: Do our interpreters have any/know of any questions?

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00:52:01.860 --> 00:52:07.530

Jinju Park: We have a question that asks how evaluations are supposed to be accomplished virtually.

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00:52:09.270 --> 00:52:12.570

Jinju Park: Well, school districts are using a lot of...

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00:52:14.700 --> 00:52:20.880

Jinju Park: Some evaluation through the computer screen, absolutely. There are some school districts who are bringing

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00:52:21.330 --> 00:52:32.520

Jinju Park: children into the school campus to assess them for things that cannot be assessed through the computer screen like OT, occupational therapy

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00:52:33.300 --> 00:52:41.760

Jinju Park: or speech language and so we've seen a combination hybrid of in person and online learning.

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00:52:42.270 --> 00:52:51.600

Jinju Park: The big thing that is missing in all of these evaluations that are usually there, are how the student interacts in their educational environment in the classroom.

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00:52:51.990 --> 00:53:00.210

Jinju Park: That is hard harder to assess and certainly would give you a different result when a child who's participating in a class is doing it from home.

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00:53:01.350 --> 00:53:02.430

Jinju Park: Not in a classroom.

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00:53:03.600 --> 00:53:04.590

Jinju Park: But they are getting done.

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00:53:05.940 --> 00:53:06.660

Jinju Park: For the most part.

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00:53:15.090 --> 00:53:31.200

Joy Sebe: Well, thank you so much Jinju for coming and sharing all of that. I was just thinking that when my son was in third grade, my older son was in third grade, I wish somebody had told me that I had rights.

314

00:53:33.120 --> 00:53:53.100

Joy Sebe: It would have really helped him get services years before he did so thank you so much for sharing this information with us and and and Arik did did you want to follow up with how people can access the recording or

315

00:53:54.600 --> 00:53:58.830

Joy Sebe: transcripts of Jinju's presentation?

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00:53:59.940 --> 00:54:07.530

Arik Korman (he/him) - LEV: Absolutely, so the recordings and transcripts will be available on the Investing in Student Potential website,

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00:54:07.980 --> 00:54:15.720

Arik Korman (he/him) - LEV: specifically, on the events page. So that would be studentpotential.org/events.

318

00:54:16.140 --> 00:54:33.330

Arik Korman (he/him) - LEV: And I will also send the recordings of all three days sessions-- today's on know your rights, tomorrow's on our legislative priorities, and Thursdays town hall. All of that will go out through a follow up email to every one of you who have registered.

319

00:54:36.240 --> 00:54:49.470

Joy Sebe: Thank you so much Arik. And I just want to take this time to let you know that we have two more events this week as part of the Investing in Student Potential advocacy week. So tomorrow,

320

00:54:50.130 --> 00:55:07.500

[Type here]

Joy Sebe: we're coming together again from 5 to 6pm to share legislative priorities and current bills that you can help advocate for and then also to learn again from people what what

321

00:55:08.400 --> 00:55:21.150

Joy Sebe: You need us to work on and then on on Thursday trying to remember what day it is today, on Thursday, we have a town hall from 5 to 6pm

322

00:55:21.750 --> 00:55:37.020

Joy Sebe: again, to hear more to hear more stories and information from from everyone, so please come tomorrow and on Thursday, if you can and I don't know Arik, did you have any final thoughts?

323

00:55:37.890 --> 00:55:48.720

Arik Korman (he/him) - LEV: Just thank you, thank you very much for being part of this. Thank you for advocating for special education in Washington state. If we all work together, I think we can make some real change.

324

00:55:49.980 --> 00:56:05.190

Joy Sebe: And I also just want to say a special thank you to all of our interpreters who are here with us today. We really, really are grateful to all of you for coming, and I know it can be, it can be a long time to interpret

325

00:56:06.330 --> 00:56:07.740

Joy Sebe: simultaneously

[Type here]

326

00:56:08.790 --> 00:56:17.430

Joy Sebe: for a full 90 minutes. So thank you again everyone, we hope to see you again tomorrow from 5 to 6.