

**Miriam Kurtzig Freedman: *SpedEX: Resolving Disputes in a Trust-building and Child-centered Way*  
Breakout Session Transcript**

MIRIAM FREEDMAN: I am thrilled to be here today. I really want to thank everyone at CADRE for inviting me. It gets me to the west coast, where my children live and my little baby granddaughter, so it's awesome. And normally I'm an attorney. On the bad side, I represent public school districts, if you will. But today, I'm not here to talk about the law. In fact, talking about what we are doing with SpedEx. And if I don't find my glasses, I can't see anything. Here they are. All right, so how many of you are saddened that in due process, the trust that is already fractured between parents and schools often gets worse? And I listened this morning to Marshall talking about his experience and the sleepless nights, even though he never had to go to hearing, he settled. But even though he said he got everything he wanted, the trust and the relationship was destroyed pretty much. Amy Rowley, and you know who that is, talks a lot -- she's a speaker on the national circuit. The best thing her parents ever did for her was move away from the Hendricks School District after the litigation. And these smart parents moved to New Jersey, where I'm from also. So I can understand that. New Jersey, we say. But anyhow, it was so acrimonious that they left the community. How many of you are concerned that sometimes, mediations even and hearings for sure are more about winning and losing than about the child? And finally, I remember I was a hearing officer. I'll introduce myself throughout this thing as to who I am, but I was a hearing officer for eight years for the commonwealth of Massachusetts. Painful cases we hear. And I remember one where the mother testified on and on and on about all the things wrong with her child. And finally I just kind of couldn't take it anymore and I said to her, "Do you like this child?" And she almost cried. And then she smiled and she said, "Oh yes." And then she told me all the good things he can do. Well, the system distorts our reality of describing children because it's about winning and losing. And finally, the thing that Bernie spoke about in the keynote, that when you have a settlement at last or a hearing decision, people kind of say, "Okay, that's done. We're going to move on." And it's not the way life is. And so SpedEx grew out of one of our -- many of our holiday events, which we'll discuss, and it's designed to focus on these three types of issues. Number one, we like to say that it is extremely child-centered. And one of the ways that we built in that facet of it, after the agreement, assuming there is one, doesn't have to be, but after the agreement, the outside consultant who is the SpedEx consultant goes out and observes that child in the program that the parents and the school agree to. So we're not left high and dry. When the agreement is over, we don't move on. I think it's been an awesome addition. Number two, it's about appropriate programming. The whole thing is about a free, appropriate public education. Some parents may not want that. We really clearly tell them that what you're going to get is a report with a FAPE in it, not a maximizing program, but a free, appropriate program. And finally, it is very much trust-based. This system is built on parents and schools coming up with a series of small yes's. Once you get to the

first yes, as you know from all the work you do with mediations and other resolutions, that's the big hurdle. Once we get there, getting to the next yes is easier. So where did the word SpedEx come from? We started off this idea by calling the consultants, which I will mention in a moment, experts. And so it was special ed experts. Within a year, we said, "We don't like that word at all, so now we're calling them consultants." But what do you think of the name SpedCon? Don't think that's too good, so we stayed with SpedEx. And we also like the notion of it that it seems to be a quick system. So SpedEx, and our little logo, the three lines, also designed to show not speed, but movement to getting it done. Briefly, what is SpedEx? And number one, there is absolutely no waiver of rights. People can go to their hearings afterwards if they want to on mediation, whatever. Number two, SpedEx kicks in after we have a rejected ed plan or a hearing request, and I'll explain how that happened. Number three, parents and schools agree to try SpedEx. SpedEx is one of the options that the Department of Education in the commonwealth of Massachusetts now offers to people. Number four, they agree then on a specific consultant from the list that the state maintains. And I will tell you what kind of qualifications the consultants need to have, and they are minimal. Number four, the consultant has 30 days in which to review everything that he or she believes is important. That is, talk to the child, observe the child, talk to the parents, talk to the teachers, review the record, look at some ed plans, look at some evaluations, whatever. No new evaluations are created. Number five, the consultant within that 30 days writes the report, then hands it over to the -- actually, they hand it over to the administrator who's at Boston College, but very shortly thereafter it goes to both parties, parents and school. They have the option of meeting with the consultant again to talk about the report, or not doing so, doesn't matter. Number six I think I'm up to, they decide whether or not they agree with the consultant's opinion or conclusion on what this child needs in order to get a FAPE. If they agree, they rewrite the IEP or use the same one that they had before. And finally, the last step, with an agreed upon plan, the consultant goes and, as I said earlier, observes the child again about a month later in the program to assure him or herself and the parents and the school that, indeed, what's being offered is what, in fact, was intended in that report. That's it. We have funding from the state of Massachusetts for eight cases per year, and this is a pilot. So our funding actually at this point is going to run out at the end of this year. Before that happens, we will be doing more and more of the research on the tabulation of how the thing is going. What I'm planning to do today is four things: number one, give you a little bit of the history of how we got here and what it has to do with this holiday that we invented. Number two, a little bit of the nuts and bolts more spread out as to what SpedEx is. Number four -- number three rather, lot of confusion about it. A lot of people think it's mediation. It absolutely is not mediation. And I have a chart and it has obviously some overlap, but it is not purposed and not the same. So I have a chart that says what mediation is and what SpedEx is. And finally, there's a chart in the back that says what SpedEx is and what SpedEx is not. It is not for everyone, all right? But for the people who are using it, it has

been wonderfully successful. Last year, I believe we had three, very small project, cases that went all the way to an accepted IEP. And you may think, wow, that's not a lot, but let's remember the state of Massachusetts in a year has about 30 decisions, so that's pretty good. It's about 10%, a little bit more than 30 decisions. So the history. And I'm going to follow the material because I think it's good. I have all the people that we like to thank. People I did not put on the list is the committee, the supportive committee of parent advocates and school people who are supporting us. The people I put on that acknowledgement are the folks who started SpedEx, all right, including our state director of special education. So now I'm on page one of the material. And I think I've pretty much summarized this. If anyone has any questions, perhaps you can just read that page. I think it pretty much summarizes what I said earlier in introducing SpedEx. So now a bit of history. I think it's fair to say that many of us in the special ed world, whether we're parent advocates or lawyers or school folks or parents or whatever, mediators, hearing officers, have a lot of frustration with this business. And what happened was four of us in Massachusetts started getting frustrated together, verbally. So we would talk every chance we got for about seven or eight years, just chit-chatting at various conferences where we met each other and so on. Two of them were special ed directors, Ed Orenstein and Bonnie Bisbicos. Their names are on the bottom. The third one was the Executive Director of Massachusetts Association of Special Education Directors. And the fourth one was me, who's a school attorney. So over the years, we just kept talking, thinking we should do it this way, we should do that, da da da da. But that's pretty -- you know, we all do that. So then we decided, ah, we're going to invent a national holiday to do this. And it costs you this much to invent a national holiday, a big zero. Anyone can do it. All you do is put in a bit of information on the chase.com website, I believe, Chase's calendar of events. The due date is April 15<sup>th</sup>. And as it happened, I have quite a few friends who have invented holidays, and one of them I got together with on April 13<sup>th</sup> of a year, which was five years ago, and she said, "You know, the due date is tomorrow. I mean, two days from now." I said, "Oh my god, I'm going to do it." So that's how long it took to write up the two-liner, all right? It's easy. The only thing you cannot do is have a national holiday to celebrate your birthday. But pretty much everything is doable. And the calendar they gave out, there's lots of holidays on there. I notice we don't have Special Ed Day on there, but next year hopefully we will. So why did we pick this day? This was the day that Gerald Ford signed the law back in 1975, December 2<sup>nd</sup>. And we actually believed that his signing statement was very prescient. It's not in your material, but you can get it online, telling us all the issues that are going to happen with special ed and how he was very, very reluctant to sign the law. So we have this event and it's scheduled for three things: number one, to celebrate the incredible success that special ed has been over the years of getting all kids to school. This was initially an access law for children to be allowed to attend school. I mean, one of my friends in New York City had a little sister, and first day of school, they want to go to school. And at the schoolhouse door, the principal says, "No, can't come." And little girl walked home,

Eleanor walked home with her mom, never went to school. And she has Down syndrome. That was it. That's what the law achieved. We're talking the 40s, 50s, 60s, early 70s. So that was one purpose of the holiday. The second purpose of the holiday was to honestly talk amongst each other, some advocates, some school people, some interested folks. We generally have about 70 or 80 people with us. We're not having an event this year, but generally we do, to talk amongst ourselves what is happening in reality in our schools, good, bad, and different. And the third part of the holiday is to try to figure out a way to improve special ed. So to make a very long story short, we very much focused on the rancor and the lack of trust that's happening in special ed. And people wanted desperately to have another way of resolving disputes, knowing that people of good will have different opinions and different experiences as to what might work for a child. So the special -- I'm on page two. We started the holiday in 2005. By November of that year, we had a wonderful back of the Education Week piece celebrating Special Education at 30: Dreams, Realities, and Possibilities. We had our first event December 2<sup>nd</sup> that year. We commissioned a song by Nate the following year. In the summer of 2007, we had some ideas that were percolating as to how to do this. One of them was SpedEx, and the other one is another option to opt out of some of the paperwork, which we call Procedures Lite, but that's not today's topic. So we wrote up our ideas for a local think tank, which has an annual contest on ideas to improve government. And lo and behold, ours was selected as one of the runners-up. Well, that's all we needed because they published it, printed it. And one of the ideas, we had four ideas to improve special ed. One of them was the germ of SpedEx. Having that in our back pocket, we then wrote it up as a proposal and took it to our state director of special education, Marty Mittnacht, who had attended some of the events and seemed to be supportive. And yes, indeed, we worked it out that we could start this holiday -- I mean this project. And that was about two years ago. We initially started the project that people could opt into this thing after a hearing request. And sure enough, the first case out of the box was a hearing request, and basically I believe the parents were interested in using this as a stepping stone to a hearing, which is indeed what happened. The ed plan wasn't signed and it was rather not successful for us to step out. So after that, we decided, "You know what? We're going to start picking up cases of people who want to resolve the dispute when there's a rejected hearing long before attorneys are in the picture, long before the special education appeals process or even mediation comes into play." So that's what we did. We launched in 2009 to 2010. We only had that one case, which I think all of us would say was not a shining example of what we had hoped to achieve. But the next year, 2010-2011, we had five cases. One of them was pending into this year, one of them I'm not sure, and three of them were resolved with IEPs that people were happy with. And then I believe there were after hearing -- I mean after resolution, observations of the child in the program. Our administrator, we decided along the way that this is a great idea, but we needed an administrator. The Department of Education did not want to administer it, and we did not want to go to a

parent advocacy group or to the special ed people because we needed it to be very, very neutral. And so thankfully, we put out an RFP for that and Boston College folks applied, and they in fact are doing it. So the first person we had was Dr. Alec Peck, who is now the Associate Dean. And he had to step down when he became the Associate Dean, and so now we have David Scanlon, who's been with us for about two years. So if any of you want more information about this, I've given you his email address. And you can of course email me, but he's the one who really has more of the day-to-day experience with SpedEx. Any questions or comments before we go on? I'm sorry?

AUDIENCE MEMBER: What's his department?

MIRIAM FREEDMAN: The question is, what department is David -- I'm going to repeat for the -- we are being taped, by the way, so if you don't want to speak into that, just you know. He's in the department of special education at Boston College. Anyone else, questions, comments? All right, so the next thing is to tell you where you can find information about this on the Massachusetts Department of Education website. Interesting, initially this program, because it was going to kick in after there was a hearing request, was in the division of BSEA, the Bureau of Special Education Appeals. But when we decided to take it back a few steps to rejected IEPs, now it's in the Department of General Special Education, not the Bureau of Special Education Appeals. So you will see it there. So again, page five of the material. I think what's been really good about launching SpedEx is that we were very, very clear about what our mission was, what our vision was, and what our goal is, and so that the department's website very much reflects pretty much what I've told you. And you can see that at the top of the page. It is designed to assure that a child receives a free, appropriate public education in the least restrictive environment. It is voluntary, that is parents and schools can choose to do it. There's no requirement that they do so. It will build trust because it's my belief that once they agree to use SpedEx, then they agree on who the outside consultant will be. As far as I'm concerned, they're home free because if you can't get agreements on those kinds of things, this system will not work. It is designed to be a voluntary option out of many that the Department of Education offers to parents and school districts. It is expedient. I mean, within 30 days you've got this thing nailed. That is 30 days of the consultant being hired by the department, but agreed to by the two parties. It provides a jointly agreed upon SpedEx consultant. And that's about it. The list of SpedEx consultants is on the website, and I've given you the link of how to find it. And there's about 20 people on that list of all kinds of experience, so we'll talk a little bit about what they need to have in terms of experience. In the middle of the page, page five, what David does when people call him, and obviously we get many more calls about SpedEx than we get people who actually decide to use it, and that's good because it's not for everyone. So what we want them to focus on is these two questions in the little bit lower than the middle. One, are they disputing

whether the district's proposed IEP offers an appropriate FAPE in the LRE? Is that the dispute, and/or are they disputing what services the child needs in order to receive a FAPE in the LRE? So for example, SpedEx is not that effective if the child already is placed privately in a private school and the parents are just looking for funding. SpedEx is not effective if it's an issue of compensatory services for something that should have happened in the past. It is not appropriate if someone is simply going to a hearing, and we have a lot of these now, of the family wants an independent educational evaluation. And I don't know if you can think of other examples where it's not effective, but those would be examples of when you would not want to use SpedEx. And at the bottom of the page, I give you pretty much what I've already told you, but in language that the department has on its website. I think it's very important to say that nobody waives any rights with this, meaning if it works, that's great because then nobody wants to go to hearing and have a lot of sleepless nights and make lots of cost and expense and angst and anger and so on. But if it doesn't work, then people are free to, you know, do whatever they want to do, resolve the dispute one way or the other, or go to a hearing, go to mediation, whatever they want to do. On the other hand, it is not a step towards hearing. If we were to find out that all of our cases are like the first one that I described to you, where essentially the family -- I believe it was a family, I'm pretty sure, used this as a stepping stone, kind of like a second opinion idea, to prepare for hearing. If we find that that's what's happening, we're going to close up shop. That is not the purpose. The purpose is really to be an alternate, new, innovative way to resolve disputes that keeps the focus on the child, not on the dispute, alright? Parents, of course, when they talk to the consultant, will tell the consultant what they believe, what they want, what they feel, what they this, this, this. Schools, when they talk to the consultant, will tell them what they believe, what they feel, what they know, da da da da da da. And that's among the information that this person will take into account. Alright, now who is a SpedEx consultant? Very, very minimal requirements. We went over this over and over and over. I won't say we argued about it, but we did consider, should we have more requirements? Should we have a qualitative view of these people? And we decided no, we didn't. We wanted kind of the marketplace to take care of it. Massachusetts is a pretty small state. People know the advocacy communities out there, the parent community, the school community, and we have enough of a network that we can say, "Do you know this person who's on our list? What do you think? Do you know this person? Do you know him, do you know her? So the requirements you can see on page six. Masters, I'm sorry, Master's degree and three years experience in their field of expertise, be they psychologists, be they speech language, be they special education teachers, directors, whatever they may be. We have people who come from what you might think of the advocacy community, who mostly serve parents. And we have people who come mostly from the school-based community, who have mostly served schools, and some who have served everyone. Minimal requirements: Master's degree and three years experience. Also obviously a license if you're holding yourself out as a

psychologist, then you have to have a license to show that you are indeed a psychologist. And again, this is what we tell them they need to do, and I'm going to read it. Hold the appropriate license or certificate. Possess an understanding of the legal basis of FAPE, a free appropriate public education in the least restrictive environment. They should have a sense of it, but basically that is what our training is about. We do have a training that David Scanlon runs, and I'm afraid I don't know how many hours it is, and I can find that out or you can ask him. But it's for people who already are in the field. It's not for newbies. And his focus really is on helping them understand what a free appropriate public education is. We look at some case law from the commonwealth of Massachusetts so that everyone is comfortable knowing what it is they're supposed to be looking for, alright? Be prepared to review and recommend programs that meet the needs of the student that provide -- again, they keep emphasizing a FAPE in the LRE. Be able to maintain strict neutrality, work expeditiously to gather necessary information, seek to promote dispute resolution through cooperation and trust between schools and parents, and be willing to follow up on the agreement with an on-site visit. One of our people on the list who I admire tremendously just wrote a book, and he's out on his book tours, so he's unavailable. I mean, people put themselves on the list and when we finally get to them, their lives may have changed. One of our consultants, by the way, is speaking here I believe tomorrow, and her name is Margaret Reed. I don't know if you're planning to go to her session. She's not speaking about SpedEx, but she is one of our I would say successful consultants in SpedEx. When I say to maintain trust, I guess what I forgot to say, back to the holiday. Among the most sad findings, because we collated what people were interested in, and if any of you want to see our list of what people wanted to hear about, be happy to -- it's a one-pager. And it's the lack of trust, it's the argument, it's the lack of both ways, it's the fact that we don't have a relationship that you can build on going forward when there's a dispute. So again, our focus in SpedEx is to try to get people to work together and to build trust. And again, I think just the process of a series of yes's: yes, let's try to use SpedEx. One person has to call the other, the school to the parent or the parent to the school. "I've heard about this new thing. Shall we try it? Well, we have to talk about it." I mean, just doing that gets them on the same path. Then they go through this list of 20 people and they say, "Well, I like this one, I like this one." They have to come up with three names together. We're going to lose people there. When they get the three names, then that's sent to David Scanlon. I think we want all that done within ten days. I mean, real quick. And David calls these folks one by one from the top. You know, they rate them, who do you want first, who do you want second? They know that they may not get their first choice. And then I believe within five days or something like that, not rigid timelines, but general, reasonable timelines, they're off and running. So it's a series of yes' that gets people, I think, in the mood to work together. I also have to say that most of the cases we've done so far have not been the most egregious, angry that you can find. They've been earlier on the path. It'll be nice when we get cases

that nobody thought could be resolved this way. That'll be terrific. Questions, comments? Alright, so you'll see on the next page our statistics are very small. It was our vision, again, that rather than sitting around complaining about special ed, we felt very powerful as a small group of people with the 70 or 80 that would come every year to say, "You know what? We can do this from the ground up." This is not in legislation. The department did pick it up and funded it as a pilot. Be great if in the new IDEA, SpedEx is one of the possibilities, but who knows, that's a long way off. So we did not wait for Congress to act or for the state legislature in Massachusetts to act. We were looking for ways to improve the system that did not need new legislation. And this is certainly one of them, especially since there is absolutely no waiver of rights. One thing I do need to say. When we have the report by the outside consultant, that report becomes part of the student record, alright? What we did not want -- again, I'm kind of telling you how it evolved because we are on a learning curve. What we did not want is for either the school or the parent to get this report and say, "Ah, this will help us in a hearing. We're going to keep it to ourselves. We're not going to share it now, and we're going to get this person to be a witness for us at the hearing," something like that. So if it's in the student record, it's there and of course the consultant will write how it came to be. "I'm the consultant that was hired by both parties to, you know, come up with a program that meets the child needs, FAPE in the LRE." So our numbers are pretty small, but they are definitely growing. Another case just started last week we're thrilled to hear about, but we are looking at very small numbers. Again, Massachusetts, the decisions, we're talking about 30 or 40, so we're going to be way below that always, I'm sure. Here's some nice quotes from parents, advocates, and school people. "SpedEx provided a neutral perspective that gave both parties more information to make a decision." "Our [SpedEx consultant] did a very detailed and honest assessment of the placement." And here's one where we are surveying the consultants, and here's one in response to, would you recommend the SpedEx program be continued? Quote, "Absolutely. Too often I'm called as a consultant for, quote unquote, cases that are quite ugly. The trust between school district and parents has been so very broken that a great deal of time and effort is invested in fighting rather than resolving --" It's funny that he used the word resolving today at lunch, this morning. "For the sake of the child. This scenario has serious implications for the child whose education may be held hostage while adults try to win." And I think that's a pretty common experience. Interesting to hear it from a consultant's perspective of a woman -- I think it's a woman who gets called in by one side and not the other side. At the bottom of page seven, you see the list of bios of the people we now have on the list. The list is always open. People can always take themselves -- you know, apply to be on the list by contacting David Scanlon. We actually do have quite a few people who retired from being a special ed director or from working in a hospital and doing this as part of their consulting career. As you know, special ed people never leave the fold.



They always do something else, correct? They stay in the business because it is kind of fascinating. All right, any questions? Everybody's so quiet. Yes?

AUDIENCE MEMBER: Kind of curious if you ever run into this as an issue, trying to be neutral, but also assessing the program? Is that ever challenged?

MIRIAM FREEDMAN: So the question is, do we get into problems where the consultant tries to be neutral, but also has to assess the program? Has that been challenged? No, I don't believe so, but I don't believe it has been. I'm sure it will be. I mean, nothing is perfect, but so far the people we have used have been cognizant of the fact that this is a disputed area and that they can take sides. And I think their reflection coming back to us is that, in fact, they've been able to do that. Now they write these reports, I have some of them upstairs because they've been whited out, and the next move we have is to give them more guidance as to how to write these reports and not make them long like hearing decisions, but make them short and to the point. I read them. I used to be a hearing officer for the state of Massachusetts for eight years. I wrote these long-winded, spot on decisions, alright? But they were -- you know, you build your case. I would never say that those decisions were loving. And yet, when I read these recommended reports, I was so proud of them. I had a feeling that these people really loved the child, the family, and the school, and they were trying to figure out what this child needed. It was very positive, kind, and yet detailed, sometimes too many details. I mean, the tendency for all of us is to write things too long. But it has a different flavor, so I think, you know, check back next year, maybe we will have arguments about neutrality and so on. But the adjective I walked away with is loving. Now who would think that in a special ed dispute arena? It was just nice and solid, that was my impression. Question, yes?

AUDIENCE MEMBER: So I'm curious on page seven at the very top, the number of cases. You said you were getting far more calls than actually follow through. Have you thought about -- or have you thought about collecting the number of calls and the reasons why people decide not to or to in an effort to want to get clearer or maybe pick up some of those calls, those cases? And so what do the numbers look like?

MIRIAM FREEDMAN: Yeah, very good question. Actually, I didn't collate it. Here is the list. So the question is, I said that we're getting more calls, inquiries, than we are actual cases, and have we collated that data and are there trends? And we are doing that now. Remember I mentioned that we will be writing a report either to convince the Department of Ed to fund us for another year, or maybe to seek an outside funder. So again, we're talking about a couple of dozen, something like that. Initially, most of the inquiries came from school advocates, parent advocates, or parents, which was really surprising to us. Initially, the schools were reluctant to go in. They did not want to be the first case. I mean, getting the first case was the hardest thing, alright? That was impossible. And so, yes, there are some reasons. I mean, I can -- I don't know, party withdrew after the

consultant was hired. School does not wish to continue. General inquiry, no rejected IEP yet, so they were premature. Parent indicates desires maximum feasible benefit. We used to have that in Massachusetts, so there's still a little bit of confusion. Seeking private school placement, the district rejected SpedEx. Seeking a third, independent eval kind of thing. So all over the board, actually. But I have to say, we're heartened by the fact that we're getting inquiries from both schools and parents now, not just parents with schools saying no. But the numbers are small, and hopefully by the time we write this report, it'll be a rolling white paper kind of thing and we'll have more numbers. And I'll probably send it to the CADRE office when we have it so that they can maintain information about it. Yes?

AUDIENCE MEMBER: A couple of things. First, you say consultants are hired. Is there a fee to --

MIRIAM FREEDMAN: Yes, oh, glad you asked. So the consultant is paid \$4,000 to do that first 30-day thing, which I mentioned. You know, meet with the parents, meet with the school, review the record, observe the child, talk to the child if appropriate, and write the report. They're paid an additional \$1,000 if they're lucky enough to have an agreed upon IEP and then go and observe the program. Again, after post-agreement, child-focused. At that point, they don't have to write a long report. They're just going to write a sentence or a paragraph: program looks great, everything's happening as I expected. Program looks horrible, just want to warn you. Whatever they say, doesn't matter. There's no meeting so-and-so. A consultant can make \$5,000 --

AUDIENCE MEMBER: Who pays it?

MIRIAM FREEDMAN: The Department of Education. That's what they offered to do for us. So they have put aside eight times five is \$40,000 a year for this project, and another \$15,000 for Boston College. That's it for the years.

AUDIENCE MEMBER: And the other question I had is you used the word rejected IEP. I'm from Michigan. We don't use that terminology. The school district had a responsibility to implement IEPs --

MIRIAM FREEDMAN: Interesting.

AUDIENCE MEMBER: -- without approval or consent, so I don't know what rejected means.

MIRIAM FREEDMAN: Interesting. So I used the term, the very Massachusetts term, of a rejected IEP. And the woman is from Michigan and says they don't have rejected IEPs. There they have an IEP that is implemented as soon as it's developed unless the parent seeks a hearing, correct?

AUDIENCE MEMBER: Correct.

MIRIAM FREEDMAN: All right. So yeah, if you were to adopt SpedEx, basically Michigan follows the federal model. We in Massachusetts always do more than we have to. You know, we think we're whatever and we don't follow the federal model. So if you were to use SpedEx, I don't know where it would plug into your system. Maybe it would be at the time of a hearing request or a mediation request. Maybe you would come up with a different system. I mean, this is not written in stone. I've already indicated to you how many ways it's already changed, and it's always an evolving -- it's a pilot and we want to learn. Yeah, but that's a good point, very good point. In Massachusetts, unlike federal law, if you have a rejected ed plan, that stops that plan and we go back to the last agreed upon plan no matter what it was.

AUDIENCE MEMBER: How does that mesh with the federal requirements to implement or to write a new IEP every three years?

MIRIAM FREEDMAN: Well, we do write one every year. We do -- the question is, how does that mesh with the federal requirement to write an annual IEP? We do do that, but some of these disputes go on forever. And in some horrible cases, we have a child who's in an IEP that was developed two years ago because nothing has been accepted since then. The parent has veto power, yeah. I mean, in the entire country, the parent has that for the first IEP, for the first IEP. With us, it's a continuing every year. It's different. Good point, though, very interesting. Thank you. Yeah?

AUDIENCE MEMBER: I'm just wondering, you said that this could kick in after a due process hearing has been requested. So how does this run with the timeline for the resolution meeting process that was added in IDEA 2004? Is that timeline running at the same time this 30 days is in place?

MIRIAM FREEDMAN: Again, if -- the question has to do with the SpedEx can kick in after there's a hearing request. And then, of course, the federal timelines are going. How does this work with that? Again, we have not hit that because after that first case, we have not had them after a hearing request. We've had them after a rejected IEP. But in that case, I believe the parties agreed to disband the timelines. They can do that. You know, the parties can agree to put in this 30-day thing and then move on back to the timelines. So that's how they did it, I believe, in that case. But good questions, and it's one of these things that, again, we want to build a trust-based, child-centered, appropriate services system, and we're going to do whatever we need, ying and yang in the system, to get there. So if there's a timeline, we're going to have to figure out a way to deal with that, but we haven't really had to do that. Yes, follow up?

AUDIENCE MEMBER: I have a couple of other questions. One is -- and I see on your list for mediation, your mediation agreement becomes part of the student record and so does the student report. In Wisconsin, our

mediation agreement is like a separate record. It doesn't go in with the student record because if the child gets transferred to a different district, you know, that confidential mediation agreement would go along, and it shouldn't. But I'm wondering, you know, because that report -- you know, if it should be -- you know, if the parent doesn't accept it and if it's going into the record, you know, I guess the parent up front is informed that it's going to go onto the record, correct?

MIRIAM FREEDMAN: Yes, very clearly up front.

AUDIENCE MEMBER: -- take their chances if it doesn't come out well for them?

MIRIAM FREEDMAN: Right. So the question has to do with the student record aspect of this in the chart. This woman is reading a page ahead. In Massachusetts, again this is very much Massachusetts, our mediation agreements become part of the student record, agreements. But even -- okay, not so in Wisconsin apparently. And the question is, this report becomes part of the student record, and the comment was the parents are taking a chance. Well, you know what? So are the schools. I mean, a lot of these have come out favoring the parent placement or the parent's concerns. Not favoring the parent's placement, but more adopting what the parents were concerned about that the consultant sees it that way. So everyone takes a chance. And again, I think it's fabulous if what we're trying to do is build a trusting situation. I mean, in my view, and I do a lot of writing. Some of you may want to look at the table; I've displayed my books, including a book on fixing special ed. I think we have got to tackle the lack of trust and the distrust that this system engenders by being adversarial. And so everyone takes a chance, and I've already mentioned one of the people said, "I'm not doing it because I don't want the report in my child's record." And so people, we give them the information up front, they make a decision. And the only thing I will say is everything in special ed is year by year by year, so the report that this consultant writes is for now, for this year. Two years later, who knows what the child will need?

AUDIENCE MEMBER: And finally, because the department is paying for the consultant, does the department get a report as well, or does it just go into the student's record?

MIRIAM FREEDMAN: The question is -- I wish I was writing -- well, I have the tape, I'll have the questions. You know, I'm like Jerry Ford, I can't chew gum and walk at the same time, they said, although he signed a fabulous signing statement. I hope some of you go out and read it. And just to go back to that, after we invented the holiday -- and I'll get back to your question if I remember it. After we invented the holiday, we invited him to come. He was still alive in 2005. And sure enough, I wrote a letter. Two days later, his aide, assistant calls me and said, "Well, Mr. Ford is old, President Ford is old, and he doesn't really travel very much." And I said, "We knew that, but we just wanted him to know how important his signing statement is for our life and our future."

And she said, "But, you know, if you write a letter, he'll sign it." And so if you come visit me in my office in Boston, you'll see a beautiful letter signed by Gerald Ford. But it's said that he couldn't do two things at once. What was the question? I can't -- does any --

AUDIENCE MEMBER: See, I have the same problem, I can't remember.

MIRIAM FREEDMAN: All right, we'll get back to it.

AUDIENCE MEMBER: Does the department get a copy?

MIRIAM FREEDMAN: Ah, yes, thank you. Since the department is paying for this thing, do they get a copy? The answer is no, they don't. They are really paying for it, and I have to give them so much credit, because they too want to see innovation. I mean, I think all of us are looking for big ideas, big answers to solve the issues we have created. I mean, we've created this litigation nightmare. I believe that's how the law was written, as an adversarial system. So no, they don't. It's a confidential report. It goes into the student's own record, doesn't go anywhere else. Yes?

AUDIENCE MEMBER: We have kind of -- I'm doing a similar program in California, but a question that I have is, if it doesn't succeed, then in essence the consultant could be called as a witness in a due process hearing?

MIRIAM FREEDMAN: Yes. So that's a very -- so if it doesn't succeed, can the consultant be called as a witness in the due process hearing? Funny you should say so. We have two cases now, and this kind of goes along with what Bernie Mayer was talking about, that these disputes don't end with a settlement. These are ongoing kind of situations. We have two cases where the family I believe wants to keep the consultant on as a consultant to help them with whatever they need to do. And so we've had to say, "What do we do about that?" And this is our answer so far: when this process is over with the observation, and we're going to put some timeline on it, we're going to write a closing letter to the consultants, "You're finished." In other words, state is no longer paying you, the parents are no longer your -- I'm not going to say clients, but your charges. And the school is no longer your charge. You can do whatever you want. And so we have always told people if either one wants to call the other - - I mean the consultant to be a witness, then they have to contract with them if they're willing to do it. There's no obligation on their part to be the witness. I mean, they could be subpoenaed, I suppose, but it has not happened. Honestly, since that first case in 2009, which was really preparation for hearing, we haven't had that. We have really had situations where people are looking to resolve it and build trust back into the system between them. I'd love to hear more about what you have going in California. Anyone else? Yes?

AUDIENCE MEMBER: Can I ask a clarifying question about process? At any time in the 30 days, do the two parties, the family and the school, come together with the consultant?

MIRIAM FREEDMAN: Interesting question. During the 30 days, do the parents and the school come together with the consultant? Not as part of what we send out. I mean, they might, but no, it is not. It's really a fact finding. And just like in mediation, sometimes, you know, we meet together and then we meet separately. This is the separate meeting so everyone can be quite honest about what it is they're looking for. But there's nothing to stop them from doing that, from meeting.

AUDIENCE MEMBER: So how does that build trust when they don't come together face to face? Is it just a sense of a neutral, third party sort of softens the charge of it?

MIRIAM FREEDMAN: Yes. How does it build trust? And you've answered the question. Neutral third party and, you know, you get a sense that you can trust this person, who is the go-between, in many ways like a mediator would be. But again, we'll talk about how this is not mediation because it really isn't. But that's an interesting idea. There's nothing to stop them from meeting if the consultant believes it would be useful. We also tried to figure out, well, what are we going to tell the consultant he has to do? Meet the child, meet the this, meet the parents, meet the da, read this, read that. And we finally decided we'd give them a smorgasbord of things they can do at their option. We have to trust that they know what they're doing. And if we get reports back that they did a bad job, we'll take them off the list, but that has not happened. Again, we have very small numbers, so. Anyone else?

AUDIENCE MEMBER: It sounds like the procedures are open to evolving, and that's the spirit of this question because you talk about if the parties don't agree, you still have the option to pursue due process rights. It would seem that if they disagreed, though, and there's a procedure where the consultant's recommendations do become part of the student record, that that becomes grist for the mill. And I'm wondering, would there be some opening for making them not part of the student records to differentiate from mediation?

MIRIAM FREEDMAN: So the question has to do with the report becoming part of the student record, and does that become grist for the mill for disputes later? And is there any discussion of not having them be part of the student record? We have not had that as part -- that was one of the cornerstones of what we wanted, maybe because Massachusetts is a very litigious state. We have independent evaluations all over the place. People are going out to hire people to get second, third, fourth opinions, and we just did not want to be part of that thing. So again, I believe if people have concerns about that, they shouldn't participate, it's not for them. I mean, part of what we're trying to do is weed out the folks who we don't think will benefit from it. And the ones who have have at least not completely broken down in their relationship. There was another -- I'm just looking at the consultant's report. There was another one -- eh, it's all right, saying that, you know, this worked in this case because the communication between family and school had not completely broken down. I don't think this is a

good system for someone who really isn't comfortable with the idea of resolving the placement quickly so the child can, you know, not be part of a disputed school year. I mean, these disputes, I was a hearing officer, they drag on. And then the saddest thing, of course, is I have the case one year and then my colleague has the case, same family, same school district, the next year and the next year and the next year. So we're trying to -- anyone else?

AUDIENCE MEMBER: How many students are receiving special education in Massachusetts?

MIRIAM FREEDMAN: We have a very high percentage, about 17% of all students. And you're asking me how many -- yeah, I don't -- I can't today, I can't. We have about 600 and some rejected ed plans every year. We have three mediators running around -- no, no, no, I'm sorry, thousands of rejected ed plans, 600 hearing requests.

AUDIENCE MEMBER: 600 hearing requests?

MIRIAM FREEDMAN: More or less, between 600 and 700 hearing requests. We have about these -- there are three mediators here, newly hired. We have a whole cadre, speaking of CADRE, of mediators, about ten full-time folks. They handle about 800 mediations a year, a lot. Out of all that, after resolutions sessions and we have another system in place to resolve disputes, we have about 30 or 40 decisions per year. I think I've already mentioned that. Interesting, many of those are pro se parents at this point. And my take on that is there's so many ways of resolving it with attorneys that sometimes these are, I don't know, let's just say very hard to resolve cases. So huge numbers. In the grand scheme of things nationwide, Dr. Perry Zirkel just did a wonderful study on the numbers in special ed decisions. And he ranked the states in terms of numbers of hearing decisions, and Massachusetts was within the five to ten highest, not the top five.

AUDIENCE MEMBER: Percentage of --

MIRIAM FREEDMAN: No, number of hearing -- just straight numbers. And I can give you the citation if anybody wants to see it. All right, so I'd like to now compare SpedEx to mediation, and then also tell you what SpedEx is not because I think it's really important that we do both of those. And then talk about some of the lessons learned. Thank you. Number one, mediation. This is language from the Department of Ed at the top, and I think it's really -- you know, relationship, I don't want to summarize it, but somewhat process, somewhat relationship-building purpose. And SpedEx I think assumes a level of trust to begin with. I think that's a difference, but okay. Number two, we've already talked about when it's available. BSEA is our Bureau of Special Education Appeals, and mediation is under that. So that one's available I would say later. Mediation is available later generally than SpedEx might kick in with just a rejected ed plan. But anywhere down the line it can kick in. Number three, I think they're the same: collaborative, voluntary, try to be efficient, try to be amicable. I would say both of them

are the same. Number four, the purpose of a mediator is to kind of bring people together. And I think this is where the heart of it -- this is really where they are different. The purpose of a mediation is to get a settlement, to get an agreement, even if all we can do is agree to meet again. Whatever it is, we want to get a settlement. The purpose of SpedEx is to provide a FAPE. It's very different, and this is the heart of the difference, I would say, number four. Number five, the mediation takes place at the mediation. In other words, there's no research, there's nothing else. They do whatever they can to help the parties reach an agreement at that day. I mean, I don't know of any mediations that are extended. I suppose you could be. The consultant, however, has 30 days to do the research, basically, and to get back to the parties. So again, what the job is of a mediator and a consultant, very different. Number six, if there's an agreement in mediation, then of course the parties work with the mediator to write a settlement agreement. And if the parties agree with an IEP, then they do that in the school district, not with a consultant. Some of them will use a team meeting, some of them will use an amendment, whatever they think is appropriate to deal with the IEP. So that's not part of the consultant's job. On the other hand, as I've already mentioned several times, if there is a settlement -- I'm sorry, if there is an accepted IEP, then the consultant goes and observes the child again in the program. And frankly, for me, that is one of the proudest things I see in this process. I think it's scary for everyone to have all this tension and -- tension and attention on a dispute. And then as soon as it's resolved, boom, boom, boom, you know, that's done, now we move onto the next one. We want it to stay with the child for a little bit longer just to be sure that, in fact, the placement is what the consultant said it was going to be. And that's been, I think, pretty innovative. I don't know of any other program that has that, although by our experience I think it's a positive thing. I'd like to see that happen in other programs too. So it's not just about the dispute, it's really about the placement. Number seven, mediation is confidential. We are not part of the law or anything like that. We cannot promise confidentiality and we have not held ourselves out as being a confidential situation. But even in mediation in Massachusetts, the agreement is part of the record, so that's not confidential because it can be gotten, but also at a hearing, the school can say, "But we offered that in mediation." In other words, they can testify about what was offered, so I don't know how confidential that really is. But we don't have -- this system is a good faith system, and we want the consultants and the parents and the school to be working together, but there's no legal confidentiality that we can promise them. And finally, number eight and nine are the same in both parts. I hope that helps clarify a little bit what the difference is. But if I had to say it in one sentence to you, it would be that number four. The purpose of mediation is to get a settlement. The purpose of SpedEx is to get an appropriate placement, and I think it's very different. So we're not trying to resolve the dispute between mom, dad, and the school district. It's not about that; it's about what does this child need as seen by this objective third party that they selected? Question, yes?



AUDIENCE MEMBER: Yeah, and excuse me if you've already answered this, but on number six when it talks about the consultant going back out to check to make sure that the placement that they've done is appropriate and all of that, what happens if -- so many wonderful what-ifs, if it turns out that that placement isn't and you're still within your 30 days.

MIRIAM FREEDMAN: No, no, no, you're not. Good question. So what happens if you have -- you've agreed on an IEP and the child is placed in that placement, whether it's the same placement as before, tweaked a little bit, or totally different, doesn't matter. And then after that, within a few weeks, and that's a little fuzzy to me as to exactly how soon, the consultant goes -- if both parties want him to or want her to, the consultant goes out and sees that child again in that placement. What if he comes back and says, "Oh my god, it's horrible." Then he lets the parties know, probably in a short writing, which again becomes part of the student record. Then that would be devastating, but that's what it is. What if he comes back and says, "It's great, it's what I expected. The child is participating, blah blah blah." That becomes part of the record.

AUDIENCE MEMBER: But then do they start over again, or are they just left to, "Sorry"?

MIRIAM FREEDMAN: Exactly, then we leave them. We haven't taken any next step. But that doesn't mean five years from now, if we're still doing it, that we might not have, you know, SpedEx part two, you know, like Toy Story 1, Toy Story 2. But at this point, we only have Toy Story 1, and it ends with that observation. That's as far as we take it. Now, looking back on the examples we have, we haven't had one where the person came back and said, "Oh my god, this is terrible."

AUDIENCE MEMBER: Or maybe it's not terrible, but we could have done better.

MIRIAM FREEDMAN: Well, it's not so much that it could be better. We have to be really clear, is this what I intended when I wrote my report and the parties accepted it? Is this what they thought they were buying? It's not -- yeah, was this what -- yeah. They're not going to say, "Oh my god." That's me talking. You can erase that from the tape. All right, I tend to be -- I probably wouldn't make a good consultant because I'm not that calm. All right, let's do the last page here before we summarize. So we had a lot of -- so we've had many questions, including some in the hall to me today here, "Oh, SpedEx, that's like mediation." So I said, "No, no, no, it's not." Of course it has aspects of it, I mean, but it's different. We've also had a lot of confusion, what is SpedEx? So we made up a list of what it is and what it's not, and I would like to walk you through that because I think it is useful. It is a resolution designed to provide a FAPE and build trust between school and family. It is not designed mainly to end the dispute. We're not into dispute resolving. And even though we are part of the dispute resolution framework in this country, I don't believe we belong there. And when we get to be huge and very

successful and on, you know, the big board in New York, stock exchange, we will have our own little group. It won't be dispute resolution. It'll be alternate placement avenues, or avenues to develop placements, or something like that. But for now, we're in this dispute resolution model. All right, number two, it is a child-centered model. It's not parent or school centered, as I find so many hearings and so many mediations unfortunately are in my experience. It's voluntary and no one loses any rights, and it has to be said. So it's not either/or. It's another option that we want people to try in good faith to try to resolve a placement. Parties jointly select the independent -- and this is wrong. I see that I made a mistake. It should be expert list maintained by the DSEA, although I think it's still at the BSEA website, so that is a bit of confusion that we will have to clarify. No, it should be at the SEA, you know, take out the B. Or DESE, Department of Elementary and Secondary Education. Number five, the special consultant is an independent contractor who meets the minimal requirements of degree and licensure, as well as experience. It is not an endorsement. There's no qualitative endorsement by SpedCo, which is the Special Ed Day Committee, by Boston College, David Scanlon, or by the Department of Education that these are good people. There's none of that. We hope the marketplace favors some and doesn't favor others, and by experience I can tell you that certain people's name keep coming up and other people who have never been called for whatever reason. Number six, the SpedEx consultant recommends the placement for the child and assists parties to resolve their dispute, but it is not a second opinion. And I've already said if we find that people are using it for that, we will do something drastic to change it because that -- we don't want another step along the way to litigation. We want to end that whole thing. Number seven, it's an expedient process. Within 30 days, it's done, 30 days of hiring the consultant. It's not a way to bypass mediation or it's not time consuming, it's not burdensome. I skipped eight, but we know it's available when an IEP is rejected in Massachusetts. I don't know what you would do in Michigan or other states if you wanted to use it, what the end -- what the start time would be. So number nine, again, it's not a way station along the way to preparing for a hearing, it's not a pre-hearing, it's none of that. And I think we're very clear to people when we tell them about it. It's free to the parties, number ten. And again, it's not like a hearing, a costly and burdensome process which is quite endless very often, even though there's timelines out there. It is totally voluntary, number 11. And again, number 11, it is not required by any state law or federal law. In fact, it's not in any state law or federal law, although I'd like to see it become part of those options available to parents and school districts. Number 12, if no resolution is reached, meaning if the IEP is not accepted, they can do whatever they want in terms of due process. So we're not denying anyone their rights. And number 13, it is a trust-building exercise, and I believe that's the way it's kind of been perceived. And we are pushing that idea that we've got to work together for this child. We can't keep the dispute going endlessly. And you know, again, my opinion, and I'm sure I know I share with many others that so much of due process and so much of what's going on is a trust

destroying system. Our whole antagonistic, legalistic system does that, and we're trying to do something about it. So that's it. Let me summarize what lessons learned and how we've made changes along the way and will continue to make changes. I'm on page ten. Again, I can't highlight how hard it was to sell this thing initially. Nobody wanted to be first, absolutely no one. And frankly, I can look on the list, I don't remember what school district went first, but they need a prize, so that was good. Interesting, so that was number one. Number two I've already mentioned, we quickly left the idea of SpedEx, special ed experts, because our schools are full of experts and we didn't want to qualify these folks as being more than they are. They really are consultants to the parties, meaning to the parents and to the school district. So that's a much more comfortable term for all of us. But we kept the name SpedEx. Number three, we quickly moved the start back from hearing request all the way back to a rejected ed plan. Number four, we moved this whole kit and caboodle out of the Bureau of Special Education Appeals to the regular Department of Education website because we want to show that it's not part of the dispute system, but part of, you know, the FAPE system if you will. I don't know, there is no umbrella for that yet in our lingo, but hopefully there will be. Number six, we affirmatively believe that a small group of thoughtful, committed people can make a huge difference. I forgot to read you the Margaret Mead quote, which really has guided us, and that's part of the history I wrote back on page two. "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." And I think I'm talking to many of you who are doing that also, but I have to say that for us, that statement by Margaret Mead has pushed us because we've had a lot of pushback from folks in the state, I can tell you, about this process and about the other one we're kind of letting people do, which is Procedures Lite. And we just have to keep remembering that our vision is a better system for kids and schools, more trust-based because the more trust you have in the system, the more time teachers actually have in classrooms for teaching and not preparing for hearings and so on. Number seven, we have been heartened by the response so far although many were skeptical and, again I'm repeating myself. Now everyone laughed and they still did here. Yesterday, I met with someone and I told them about this holiday that we invented, and everybody laughs, "Oh, you invented a holiday, ha ha ha ha ha. How can anybody do that?" But I have to tell you, it has turned out to be a powerful catalyst because without it, we would have just kept going on complaining, writing an article, writing something. But when December 2<sup>nd</sup> is about to come around and we have to show the folks what we're doing and what we want to, it's been a fabulous catalyst. And it was celebrated two years ago in Alaska. I'd be delighted to talk to anyone about if they want to do a celebration on December 2<sup>nd</sup> to mark the successes of special ed, the challenges, and what we might do to reform it. Those are the three things we do: dreams, realities, and possibilities. So I have to say it's been a great catalyst. And also because it allows little people like us who are not legislators and not big muck-a-mucks to have the power of community of just discussing ideas. SpedEx came out

of that discussion. So much for that good holiday. And I hope this positive, effective, and efficient, innovative model will be used widely. I am really, really grateful for CADRE to allow us to share this on a national platform. I'll be happy to answer any questions about it. You have my website and you have my email. And if any of you want to try something like this, or apparently in California we have something similar going, I think all the options we can put to the table to resolve these disputes and put the child first is what we need to do, and I'm happy to be sharing SpedEx with you. Any questions, comments?

AUDIENCE MEMBER: Discipline.

MIRIAM FREEDMAN: Discipline.

AUDIENCE MEMBER: Have you explored the application of this system to discipline?

MIRIAM FREEDMAN: How would we do that? So the question is, have we explored the application of SpedEx to discipline cases. How would we do that?

AUDIENCE MEMBER: Specifically placement [inaudible].

MIRIAM FREEDMAN: We have not. We have not explored it, and I have to say my first instinct is it's not appropriate because discipline has to do with general school rules. You know, general school, not special ed, so we're not there yet that we can impact that. In terms of where the child should go, I don't see why not. If everybody agrees he needs another placement, it would be a placement decision, not a discipline decision. And then I would say it's the same -- it would be the same. But I don't think we should be getting involved in the student discipline arena because it really is the school principal and his designee in that. Yes?

AUDIENCE MEMBER: Two questions. One is related to how the Parent Training and Information Center in Massachusetts is involved with this, whether it be promoting it or feeding information into it or recommending parents.

MIRIAM FREEDMAN: So how does the Parent Information and Training feed into this? I think you mean -- I think for Massachusetts, it's the Federation of Children with Special Needs. Rich Robison, who has been attending a lot of our sessions, knows about it. I don't think he's particularly pushing it one way or the other. But there is another organization of advocates, and the name -- SPAN I think it is. And one of their main people is on our committee and very much in favor of SpedEx and letting advocates and parents know about it. So it's spotty. Some folks like it a lot, some folks don't. And I have to say, in the school district setting, it's the same thing. Some schools like it and some wouldn't touch it with a ten-foot pole, not this year anyway. It's out there as an

option and it's voluntary, so some -- this one advocate who's with us a lot, she's very much out there. And as I said already, most of the interest has come in from the advocacy community, which is interesting. Yes?

AUDIENCE MEMBER: This isn't specific to SpedEx, but it's been a while since I've seen your book about fixing special education.

MIRIAM FREEDMAN: Oh, thank you.

AUDIENCE MEMBER: I'm just curious as we lead up to the next reauthorization, how many of your ideas are you seeing bubble up now in terms of realistically affecting IDEA?

MIRIAM FREEDMAN: Wow, well, thank you very much. The question is, as the gentleman has read my book called *Fixing Special Ed*, this is off the subject of SpedEx, but it's really not off the subject of SpedEx because it's about reform. And the question is, how many of the ideas in there are percolating in the IDEA reauthorization? I have no idea, but I will tell you that I personally, because I am an attorney and I work for public school districts, I'm a member of COSA, the Council of School Attorneys. And I'm pretty vocal there, and so those of us who are working on putting forth a platform for school districts are aware of some of these ideas, and I don't know if they're going to go forward. I mean, some of them are pretty radical, but I like it that way. I like getting people to think. If you don't know what he's talking about, I don't know who you are, but I have a display table in the hallway and you can check out the book. I also do a lot of writing on two websites these days. One is called [educationnews.org](http://educationnews.org), and one is called the Silicon Valley Foundation. And I had an article out there just two weeks ago which was very controversial, called *The Seven Broken Premises of Special Education*. And just to put out ideas, that's my view. But again, that has nothing to do with SpedEx per se, but my idea is that we can't just reauthorize by tinkering at the edges. We really should rethink what are we doing. I'm an old school teacher, alright? Before I went to law school, I was a teacher in Suisun Valley, California and in Berkeley, California, all right, because I couldn't get a license to teach in New York City because I had a foreign accent. I had come from Holland. Oh, nutty story. So I took the train to California and taught there. And everybody thought I talked funny and they thought I came from New York. "Are you from New York?" "No, I'm not from New York. They didn't want me." It was weird. So I'm an old school teacher. And I have to tell you, the research we need to do is what percentage of time do teachers actually get to teach? It is low. We have two very informal studies in Massachusetts. One of them has it at 19% and one of them around 25. Well, you can't do the job if you only have like two hours or an hour and a half out of a six-hour school day and the rest being taken up with all kinds of other things. So my big goal in all these reforms is to get rid of the process, get rid of the argument, and just put the focus on teaching and learning. And so in that sense, even that book is consistent with SpedEx because we want to, you know, quickly resolve the issues so we can get back to teaching and learning. I think teachers

are awesome and we're making it awfully, awfully hard for them. Anyone else? This was really fun. Thank you, thank you.