

Dao of Advocacy: A Very Special Lesson

One day, Christopher Robbin was called to school to discuss his friend Poohda's program. It seems that Poohda was failing math and having some behavior problems as well. PrincipOwl, a man of few words, but wise none-the-less, was waiting at school along with Kangselor, the school counselor and Edeyore, the special education teacher.

Christopher Robbin brought his advocate Rabbicate to the meeting with him. Rabbicate worked at a non-profit organization called **Planting Carrots**. He was trained by the best and could recite by heart, every law, and every possible violation a school could make. The schools knew Rabbicate and respected him. Certainly, if Rabbicate couldn't get Poohda what he needed, no one could.

The meeting started late. It seems PrincipOwl had another meeting and had to leave suddenly. Instead Kangselor was to act as administrator at the meeting. Rabbicate objected to this as highly irregular but the meeting commenced anyway. Edeyore began to read the program the school had drafted in long and low tones that seemed to all attending like it went on for hours. "Poo..hda... is be...hind... his peeeerrr...s... in maaa.th...", read Edeyore, "...and he needs... to catch... up...", he continued. It seemed like the more Edeyore read the less everyone learned about Poohda. Didn't everyone need to do better in math? What was holding Poohda back? What wasn't Poohda abled to do in math?

All of a sudden Rabbicate burst out "What assessment did you use to determine his math level? Where is his math teacher? Why isn't she here?" Rabbicate said with a high-pitched shriek of a voice. Kangselor responded. "We used data collected by his teacher Edeyore." Rabbicate sunk back into his chair with a grimace on his face. Rabbicate it seemed, was doing his job. He was trying anyway.

Weeks before the IEP meeting Rabbicate and Christopher Robbin talked about Poohda and a plan to bring a case for private school funding after the IEP meeting. Rabbicate warned Christopher Robbin not to do this. He said that an attorney would cost him 10s of thousands of dollars, and that Christopher needs to work collaboratively with the school. He asked which attorney Christopher was thinking about hiring and when he heard it was no other than Keith H.S. Peck, aka Litigger himself, Rabbicate said that Litigger was only interested in money and he would probably drop Poohda's case in the middle of the hearing if he used him. Christopher was scared by this and promised Rabbicate that he would forget about bringing in an attorney.

As the meeting continued, Edeyore finished reading the Present Levels and then he read the Goals and Objectives. "Poohda would do this and Poohda would learn that and Poohda would cross the street safely in 5 out of 10 tries..."

Now it was time to discuss Extended School Year services. Edeyore said that according to the data, Poohda didn't qualify for ESY because he didn't regress. He didn't learn much because he was a bear of very little brains as he was stuffed with silk, so he didn't regress during breaks. Rabbicate challenged this. "Well shouldn't he have the opportunity to learn something during the 8 weeks of summer since he

didn't learn anything all year?" Kangselor replied. "ESY is about maintaining the skills that he has been working on during the regular school year, so if he didn't regress, he doesn't need an ESY program to maintain those skills." It seemed that Kangselor didn't get Rabbicate's hint. So Rabbicate stating directly that the school should provide Poohda ESY after 3 weeks so that Christopher Robbin couldn't use this issue to get his attorney Litigger to win a case for private school placement, as they were planning to do. "Litigger!" gasped Kangselor and Edeyore. At this point Kangselor agreed to ESY after 3 weeks off.

It seemed that every time the school was about to make a mistake Rabbicate would stop them. The school still didn't give Poohda a program that could help him, but it avoided all of the violations that Christopher Robbins could have used to get a better program by bringing a Due Process hearing.

After the meeting Christopher Robbin said to Rabbicate, "Why did you tell the school that I was going to contact Litigger and bring a case for private school placement?" Rabbicate responded, "That's my job. If the school didn't know you were about to contact Litigger, they would have kept violating your rights and you could've won Poohda private school at public expense. I'm paid to prevent that."

It turns out that **Planting Carrots** is funded by state and federal funds. When a parent contacts his organization for help, Rabbicate is actually required to help the school follows the rules and guide the parent and the school away from conflicts that could lead to a legal dispute. When Christopher Robbin learn this he was shocked. "I thought you represented me and Poohda? You never told me you were at the meeting to help the school!" he shouted. Rabbicate just shrugged and said, "Attorneys can't have conflicts of interests by working for both sides, but there are no rules for advocates."

Christopher Robbin learned an important lesson that day. Never trust a Rabbicate and never trust the school to have your child's best interests at heart.

Instead, call your friendly neighborhood special education attorney. And keep it secret. And besides, Litigger doesn't charge parents legal fees when a parent can't pay.

Best!

Litigger

After 11 years of transportation from Hana, Maui to Haiku, Maui (on the Hana Highway) and back, the bus company gave the bus to the family when the student graduated.



Dao of Advocacy: Wei Wu Wei

Poohda was still failing math and having a lot of trouble with bullies in his classes. It seems that some students at his school believed that his brown silk skin was too fancy for a bear like him. Christopher and Poohda had called for another meeting with the school, but this time Christopher Robbin told Rabbicate, his former advocate, that they didn't need his help. They told Rabbicate that they wanted to discuss how Poohda could get some tutoring and Rabbicate told Christopher Robbin that the school did not have to provide that service.

But Christopher Robbin had a plan. He had seen how Rabbicate helped the school to provide the "least appropriate program" while at the same time avoiding any provable violations. He hoped that Rabbicate would warn the school about his intentions to get the them to pay for private tutoring services. And this time, Christopher Robbin would have Poohda do all the talking.

PrincipOwl started the meeting by reading the agenda. The team was to stick to a discussion about why Poohda wasn't learning how to do math and how Poohda could do better. He asked for Edeyore's opinion, Poohda's special education math teacher, and Edeyore said that Poohda wasn't trying hard enough. Poohda responded that Edeyore was probably right about this and that he was trying to try harder but that he forgot. PrincipOwl said that he should remind himself when he forgets so that he could do better. To which Poohda said he thought that was a good idea if only he could remember it.

Then Poohda turned to Edeyore and asked if he could remind him to remember to work harder when he forgets, but PrincipOwl and Edeyore said that it was his job to remind himself. With that Poohda said, "oh bother" and he promptly forgot what he was talking about. PrincipOwl said that Poohda would be required to remind himself to try harder whenever he forgets and that would be the way the school would address the problem of teaching him math.

When Christopher Robbin asked who would remind Poohda to remember when he forgets to remind himself that he forgot to try harder PrincipOwl said it would be Edeyore. Poohda asked if Edeyore could show him how to do math when he reminded him to remember to not forget to try harder.

At that, PrincipOwl became visibly angry and said that Poohda would have to find a math tutor himself if he wanted someone to teach him math because no one at the school had time and abruptly ended the meeting.

Having recorded the entire conversation, Christopher Robbin realized that Litigger, the greatest special education attorney in all of history, could get the school to pay for Poohda's math tutor now, because that what Litigger does best!

Christopher Robbin had known Poohda all his life but only now really understood Dao. He thought about the three vinegar tasters as he and Poohda walked back through the wood to Poohda's home. Crossing the bridge, they stopped to race sticks. Christopher Robbin noticed something he never noticed before. Poohda didn't try to make his stick land in the water ahead of Christopher's. Poohda just released his

stick allowing it to land wherever it landed. It struck him then that Poohda wasn't even trying to win. He was racing his stick but with no expectation or even hope that his stick would emerge on the other side of the bridge first. But if he didn't want to win, why was he playing in the first place? He puzzled.

That night, as he and Poohda shared their meal he understood. Poohda was satisfied by being. He didn't need to win to enjoy himself. Doing was what he was...well, doing. He enjoyed his meal as much or more than Christopher did by seeing how Christopher enjoyed it too. Poohda never tried to trick PrincipOwl at the meeting, he let him trick himself, because PrincipOwl was competing with Poohda, but Poohda wasn't competing with PrincipOwl.

Best!

Litigger

This week the DOE agreed to pay for all expenses for Perkins School for the Blind, including travel, for one client and 81k per month for a Maui program for another. 6/6/19, Keith H.S. Peck