



MEET THE TEAM

**Jacquelyn N. Babinski, Esq., PLLC**

Jacquelyn N. Babinski, Esq., PLLC is a law firm located in Davison, MI, committed to protecting the education rights of students at head-start, K-12 and higher education institutions.

We provide comprehensive education advocacy and representation to students to ensure schools are meeting their legal obligations, so each child has the resources and support that empowers them to become successful adults. We are committed to protecting the education rights of students at head-start, K-12 and higher education institutions.

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YOU ASK, WE ANSWER**What can I do if...**

my child is on an IEP and the school was sending home work during the shut down, but I think the work was too easy. I'm worried my child isn't being challenged and is falling behind.

Write down specific examples of how and why you think the work was too easy.

Was your child completing quickly and independently? Were they vocalizing that the work was too easy? Once you have your examples written down, you can send a letter to your child's teacher explaining your observations and requesting a meeting to discuss your concerns. Be polite in your letter. When you meet with the teacher, ask how your student has been doing in class--does the teacher have the same observations? Ask how your child is performing in comparison to their peers. If your child is being given work below grade level (for example, your child is in 7th grade, but being provided 3rd-grade equivalent work), ask why. Once you have more information, you can then write a letter to request an IEP meeting to discuss any services or accommodations that you believe should be made to your child's education plan to ensure your child is given the opportunity to make progress in the general education curriculum and meet appropriately challenging objectives. If you think more information is needed first, to accurately determine your child's academic achievement level, you can write a letter to the school requesting an evaluation. (To learn more about writing letters to the school, visit Pam and Pete Wright's excellent online resource).

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What can I do if...

my child keeps getting sent home for disruptive behavior in school. I asked the school to evaluate for special education services, but they said he doesn't qualify because his IQ is too high.

Make sure you request an evaluation in writing, putting the date at the top of the letter. Also include specific examples regarding the behavior, such as, "my son has been suspended 15 times within the last two months," or, "I've received 9 calls to pick my daughter up in the last 3 weeks," or "the teacher keeps telling me my child can't stay in his seat and focus."

Michigan Protection and Advocacy Services has sample letters online, in their Special Education Manual. Once the school receives your written request, they have ten school days to provide written notice. The notice must be in writing and must state whether the school is granting or denying the request. If the school district denies the request for an evaluation, you may request an Independent Educational Evaluation from the school, explaining that you disagree with the school's failure to evaluate for special education services. This request must also be in writing. The school then has 7 calendar days to either grant your request for the independent educational evaluation or file for due process to prove that their decision not to evaluate was appropriate. (To learn more about initial evaluations, you can visit the Michigan Department of Education).

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