



The Council of Parent Attorneys and Advocates, Inc.
A national voice for special education rights and advocacy
www.copaa.org

GUIDELINES FOR CHOOSING A SPECIAL EDUCATION ADVOCATE

Many parents choose to use a special education advocate to support them in getting what their children need in special education. Nonlawyer advocates do not have a license to practice law, and they are not attorneys. They provide their services according to the laws of their state. Advocates are often professionals with training in special education and advocacy. They may or may not charge fees for their services. (COPAA uses the terms “special education advocate” and “advocate” to refer to individuals who advocate for parents and families, but are not attorneys.)

You can find advocates by using the advocate locator on the website of the Council of Parent Attorneys and Advocates, Inc. (COPAA), <http://www.copaa.org/find/index.php>. You can also call your state’s Parent Training and Information Center, <http://www.taalliance.org/Centers/index.htm>, or inquire with local disabilities organizations. You can ask other parents and professionals in your area about advocates they have used or recommend.

GUIDELINES

Select a trained, experienced advocate.

Unlike attorneys, no certification authority exists to certify advocates at this time. However, many special education advocates have years of experience and training. When you interview an advocate, you should ask about their education and training. You should also ask whether the advocate stays current in the field by getting updated training and education through workshops, conferences, and continuing education programs. Do not hesitate to ask for references from the advocate. You are the one making the hiring decision.

Select an advocate with special education experience.

Experienced advocates can often help you obtain the educational services your child needs. Advocates may have specific skills and knowledge about evaluations, various disabilities, IEPs and other educational negotiations, behavioral supports and discipline, document management, fact investigations, and other areas. They may have alternative dispute resolution skills, such as mediation and facilitation skills. Advocates should be familiar with the local service providers, evaluators, local school districts and the options they offer, and local customs. They should know and understand IDEA and other laws/regulations affecting the education of students with disabilities. Ask your advocate about his or her experience and specific skills. You need to be an informed consumer and ask the questions that are important to you.

Select an advocate who understands your child.

You should expect an advocate to spend time visiting with your child. Each child is a unique human being and has individual educational needs. Your advocate should be able to explain to you how your child's disability will affect him or her at school. Advocates are not diagnosticians and they are not education evaluators. But, a working knowledge of your child's disability, or a willingness to become educated about your child's disability, is a quality a good advocate should have.

Advocates and attorneys.

Nonlawyer advocates are not attorneys or members of the bar. Some advocates and paralegals are supervised by attorneys. Some work in forms or with public interest organizations. Others work independently in their own offices. You can ask an advocate if they work with an attorney. But, it is not necessary that a lawyer oversee an advocate, or that an advocate even have a relationship with an attorney. Many experienced advocates work completely on their own or with other advocates who are not licensed attorneys. You should decide what you want in an advocate and what kind of assistance you need.

Select an advocate who understands his or her professional limits.

Professional advocates may give you legal information and help you negotiate and resolve disputes. But, they are not lawyers, and cannot give you the same type of legal advice as attorneys or act as your lawyer. An experienced, well-trained advocate should help you recognize when you should seek an attorney's services. Should your next step be a due process hearing, you should check your state laws regarding assistance from an advocate. In some states, nonlawyer advocates can represent parents in administrative due process hearings. In others, they cannot, and may only assist the parents. An advocate cannot represent you in state or federal court. If you are contemplating due process, you and your advocate should discuss your case. You should think about whether you need to hire an attorney based on your individual situation and needs and the laws of your state. Ultimately, it is your responsibility to make this decision and you should make the decision you believe is most appropriate.

Questions you might ask to help make a hiring decision.

Being an informed consumer is important. These are some questions you might ask as you decide whether to hire an advocate.

- What is the advocate's special education advocacy experience? Does he/she have experience in situations similar to yours? Has he/she worked with this school district or similar ones?
- How does the advocate believe your situation should be handled? What is the estimated time frame for completing the work? What will the advocate do?
- How will you be expected to assist and work with the advocate?
- How will you and the advocate keep each other informed about the case?
- What does the advocate charge and how will you be billed? How are fees determined? Will you be billed on a hourly or flat basis? What is the total estimated fee?
- Who keeps the copies of your child's records at the advocate's place of business, and how your child's files will be maintained and returned to you when you need them?

Parents play a vital role in every special education matter. Advocates can give you advice and opinions

based upon their training and experience, but you--the parent--must make all of the final decisions about your child. After meeting with the advocate ask yourself if you:

- Will be comfortable working closely with this person
- Are confident the advocate has the experience and skill to handle your case
- Understand the advocate's explanation of what your case involves
- Understand the proposed fee agreement

The Council of Parent Attorneys and Advocates, Inc. offer these suggestions as a public service to parents of children with disabilities. They are not intended as legal advice or a legal opinion. The COPAA Guidelines incorporate some information based in part on information published by the Illinois Attorney General's office.