

A PEATC

Do You Know....



Factsheet for Virginia's Parents—Working with An Advocate or Attorney

I Don't Agree with the School

There are times when you will not agree with the school's decisions about your child. It is always best to try to resolve these disagreements by working together. There are strategies and processes for resolving disputes. For more information, go to the Virginia Department of Education (VDOE) web page, which includes a link to the *Parents Guide to Special Education Dispute Resolution* and a phone number, so that you can reach VDOE staff directly for assistance -

www.doe.virginia.gov/special_ed/resolving_disputes

I Need Help

When things continue to go wrong, you may consider getting additional support from someone who specializes in special education law and regulations and other laws that may apply. You may need help if:

- You have had many meetings or talks with the Individualized Education Program (IEP) team or other school staff with no progress.
- Your child has been refused services or supports you know he/she needs.
- Your child is being secluded or restrained, suspended, sent home, or unfairly disciplined.
- Your child is not making progress on his IEP, and the IEP team will not make changes to goals, objectives, strategies, or placement, or the team proposes changes with which you do not agree.

This may be the time to bring in an advocate or attorney. Hiring a lawyer can show that you are serious, but the school will then talk to its own lawyer and will likely not talk to you without their lawyer there. Schools are usually open to working with advocates, especially those who have worked successfully to come up with solutions in the past. You have the right to involve someone who can help you, and there are pluses and minuses to both advocates and attorneys. The following can help you as you make those decisions.

DO YOUR HOMEWORK!

The goal should be resolving disagreements and achieving a free appropriate public education (FAPE) for your child, while maintaining positive relationships for the future.

VDOE maintains a resource list for families seeking legal advocacy assistance. These include no or low-cost assistance as well as attorney referral services. You can access that list here:

www.doe.virginia.gov/special_ed/resolving_disputes/due_process/legal_advocacy_groups.pdf

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Hablamos Español



Factsheet for Virginia's Parents

Should I Pick an Advocate or an Attorney?

- **Attorneys** have formal training and are licensed to practice law in Virginia. They can advocate for your child, review materials from a legal standpoint, prepare legal documents and represent you in IEP meetings and in legal proceedings/ hearings.
- Most **advocates** are excellent, although they do not have licensure or certification. They can advocate in IEP meetings, help you with letters and phone calls, look at documents, and advocate for your child in due process hearings. They cannot provide legal advice.
- An **advocate** will generally cost much less and may be more available to you than an attorney if you need help on a regular basis.
- An **attorney** is more likely to be able to help with complex legal issues, such as discrimination or when there are multiple legal issues.

What Are Some of the Questions I Should Ask?

- What is your background, training, and experience in special education law and regulations and in understanding evaluations?
- Have you worked in my school division and, if so, what is your relationship like with staff and administrators?
- Explain how you would handle a case like mine, including how you will keep me involved.
- How many times have you participated in mediation, filed a state complaint or a due process complaint? What were the outcomes?
- How much do you know about my child's disability?
- How much do you charge? Do you have a sliding scale based on income or provide free services? When do I have to pay?
- For advocates: how will you decide if my case needs to go to an attorney and do you work with any attorneys?
- Can you provide client references?

Resources Used

- *Questions to Ask Attorneys or Advocates:*
SchwabLearning.org
- *The Difference Between Special Education Attorneys and Advocates:*
www.understood.org/en/school-learning/your-childs-rights/dispute-resolution/the-difference-between-special-education-advocates-and-attorneys
- *How to Find a Special Education Advocate:*
www.understood.org/en/family/relationships/finding-friends-support/how-to-find-a-special-education-advocate
- *Parents Role in the IEP Process and Working with Advocates, Special Education Advocacy Clinic, William and Mary Law School*

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

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The contents of this factsheet were developed under a grant from the US Department of Education, #H328M140013-18. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government. Project Officer. PEATC is not a legal services agency and cannot provide legal advice or legal representation. Any information contained in this factsheet is not intended as legal advice and should not be used as a substitution for legal advice.

