

The Law and Advocacy

Helpful Resources, Finding an Attorney, and Advice on Mediation

By Kristin Stemhagen

Despite the sincere efforts of all involved, there are times when advocating for a child's best interests may involve consulting or hiring an attorney or advocate. Having current information on the law and finding professionals who specialize in disability law can be extremely beneficial to families facing these situations. The Deltaville, Va.-based team of Pete and Pam Wright provides an informational Web site, www.wrightslaw.com, with articles, resources and links that may be helpful to those needing assistance in this area. Pete is an attorney who represents children with special education needs and Pam is a psychotherapist who has written extensively about raising, educating and advocating for children with disabilities. Their site is designed to provide up-to-date, reliable information about special education law and advocacy for children with disabilities.

Visitors can sign up for their free e-mail newsletter, "The Special Ed Advocate," which features advice for parents and information on legal and advocacy issues, cases, tactics and strategies. The information on the next page was excerpted from the

site's "Frequently Asked Questions" section. (Note: Web site addresses for many of the sources are listed at the bottom of this page.)

Finding the Right Specialists

One of the most frequently asked questions is "How can I find an advocate/attorney/consultant?" Here are some suggestions about how to find a consultant, advocate or attorney who represents children with disabilities.

Yellow Pages for Kids with Disabilities: We built the Yellow Pages for Kids Web site for each state so people can get reliable information and help. The Yellow Pages for your state has hundreds of resources — parent support and study groups, evaluators, educational consultants, psychologists, tutors, advocates, attorneys and others who provide services to parents and children. You will also find listings for government programs and grassroots organizations in your state.

Ask other parents for their recommendations - they are often your best source of good advice.

Contact your state Parent Training Information Center: To learn about special education training for parents, contact your

Parent Training Information (PTI) Center. The Directory of Parent Training Information Centers has contact information for every state. You may want to attend a Wrightslaw legal advocacy training program.

Contact a disabilities group or organization that represents your child's interests: You will find a comprehensive directory of disabilities organizations, clearinghouses and information groups on the Yellow Pages for Kids site.

Legal and Advocacy Resources

If you have a dispute with the school about your child's special education program, you may decide to consult with an attorney or an advocate who is familiar with special education law. Contact the Protection & Advocacy organization for your state - they are legal disability rights agencies. To find an attorney or advocate, check the Directory of Legal and Advocacy Resources, in addition to the attorneys and advocates listed on the Yellow Pages for your state. You may also contact the Council of Parent Attorneys and Advocates (COPAA) for a referral. ■

Links to Sources:

Yellow Pages for Kids - www.yellowpagesforkids.com

Parent Training Information (PTI) Center - www.yellowpagesforkids.com/help/pits.htm

Directory of disabilities organizations, clearinghouses and information groups - www.yellowpagesforkids.com/help/dis.orgs.htm

Protection & Advocacy organization for your state - www.napas.org

Directory of Legal and Advocacy Resources - www.yellowpagesforkids.com/help/legal.advocacy.htm

Council of Parent Attorneys and Advocates (COPAA) - www.copaa.org/index.html

Q & A

Advice on Mediation

IDEA 97 encourages parents and schools to use mediation to resolve their disputes. When done properly, mediation can be an excellent way to resolve conflict. See short article about mediation on www.wrightslaw.com/info_mediation_980724.html.

When you have a dispute with the school, you need to have independent information about these problems (independent of what you remember). If you need to have a hearing, the school staff will not remember things as you do. They often tell hearing officers that the parents didn't tell them that they were unhappy with the services the child was receiving. Even if you deny this, it's still one person's word against another.

There are a couple of easy ways to develop a paper trail, in case you need it to support your position. First, keep a log of contacts between you and the school. Second, write polite businesslike letters to the school whenever there is a meeting or decisions are made. For example, after an IEP meeting, you would write a polite "thank you" letter. You would thank the IEP team for meeting with you. You would include your understanding about what the school is going to provide, like this-

- "My understanding of the services that my daughter will receive is XX, YY, ZZ"
- "I shared the new evaluation from Dr. Jones. The IEP team said they didn't have to incorporate any of Dr. Jones' recommendations."
- "When we asked for more help, Ms. Smith said that our daughter would have to flounder before the school would provide any help. We told her that we disagreed with this. We told her that our daughter would be floundering now if we weren't helping her so much at home."
- "We advised the IEP team that we were spending two or three hours a night in tutoring - and she was only in second grade."

If problems crop up later, these letters show that the problems are longstanding and that you have been trying to work cooperatively with the school.

Q. *We contacted an attorney. The attorney suggested that we go to mediation alone, or rather that it wasn't necessary to bring an attorney with us. The school is sending an attorney to the mediation. Is it wise for us to go without one?*

A. For mediation to work, neither side should bring an attorney! Properly done, mediation helps people communicate. Mediation helps both sides discuss the situation openly and honestly, with the objective of helping the parties come up with a fair acceptable solution to their problem. Mediation should be confidential. If lawyers are present, there are more chances for things to get polarized. Perhaps the mediator can ask the school board lawyer to stay in the waiting room!

Q. *We have letters from professionals, audiologists, psychiatrists, backing our case but we don't have an attorney with us.*

A. Definitely bring your evaluations. Make a short list of what you want for your daughter and have support for this from your experts.

Q. *What else can we do or bring with us to the mediation meeting? Any words of wisdom?*

A. What should you do to prepare for mediation? Go to your local library or bookstore and pick up a copy of *Getting to Yes* by Roger Fisher. *Getting to Yes* is based on research about how to resolve conflict from the Harvard Negotiation Project. *Getting to Yes* will help you understand the mediation/negotiation process and how you can participate effectively. It's a great book - and it's a small book - probably no more than 100 pages long.

Another thing - after you've resolved your current problem, you need to remember that history repeats itself. If you begin to build your paper trail now and have more problems later, your letters will be good evidence of your dealings with various people at the school.