



## **Hello stranger: Clarify when, how advocates can participate in IEP meetings**

If a stranger shows up to a party uninvited, the hosts may ask him to leave. But if an advocate shows up to an IEP meeting without notice, the team can't just turn him away.

Nothing in the IDEA prohibits advocates from attending and representing parents at IEP meetings. The IDEA affords parents discretion to include as IEP team members people who have knowledge or special expertise regarding their child. [34 CFR 300.321](#) (a)(6).

Even if the advocate doesn't seem to have much knowledge or special expertise about the child, you should show a willingness to work with her.

"A parent has an absolute right to an advocate," said Ryan L. Everhart, an attorney at Hodgson Russ LLP in Buffalo, N.Y. "Schools shouldn't limit that in any way, shape, or form."

In most situations, when an advocate shows up to a meeting unexpectedly, a team should welcome him and strive to involve him in the meeting to promote parents' meaningful participation in the IEP process. Read on for more advice on responding to the arrival of an unanticipated advocate in an IEP meeting.

## **Resist urge to reschedule**

If a parent shows up to an [IEP meeting with an advocate](#) without notice, don't automatically postpone the meeting, Everhart said. "Parents generally have the right to have an advocate, so I wouldn't want to delay the whole [IEP] process because of it," he said. "We're under such strict timelines with [IEPs], you don't really want to delay it."

Consider the point of the meeting, Everhart said. Do you expect it to be [contentious](#)? "It depends on what's leading up to the meeting," he said. "Is there a history of adversarial relations or cooperative relations with the parents? If it's a more contested issue, you may want to have discussions about rescheduling [to better prepare]. But, generally, I would go ahead with the meeting even if the advocate is there and surprises you."

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## Promote advocate's understanding

The [advocate](#) may not be as knowledgeable as you'd expect about special education or the student. That doesn't mean you can stop the meeting, Everhart said. "Unfortunately, we can't prevent the parent from using whomever they want to use as an advocate," he said. "The best thing you can do is try to educate them as much as you can during the course of the meeting."

Be positive and share information in a friendly way, Everhart said. Don't lecture the advocate, or she or the [parent](#) may become defensive.

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-- Ryan Everhart, Esq.

"If there's a certain requirement or regulation and the advocate's misstating it, you can correct them on that," he said. "You can show them the regulations. It depends on the circumstances and how severe the difference of opinion is. Keep it as positive as you can."

## Rethink approach if guest is attorney

On the other hand, if an attorney comes as the parents' unexpected [guest](#), you would want to reschedule the meeting so that your district's counsel can also participate, Everhart said. The meeting needs to be fair for everyone. "That's a little bit of a different circumstance," he said. "The school is going to want to have their counsel available to address any legal issues raised by the [parent's] attorney."

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