



Guidelines for Choosing a Lay Advocate in Special Education

If you have a child with a disability, you may decide to hire a paraprofessional or a “lay advocate” to assist you in ensuring that your child’s educational needs are met. These advocates, who are not attorneys, may be able to assist with consultation, letter writing, or meetings with schools. The following are some guidelines to assist you in choosing a lay advocate.

Select an advocate who has been trained.

Although Illinois does not require special education advocates to be certified, there are training opportunities available to them. Ask your advocate about his or her training: where, when, and for how many days did he or she attend training in the last year? How does he or she stay current with all of the changing special education regulations, statutes, and laws?

Ask if the advocate has attorney support.

Some advocates work independently while others either work under the supervision of a special education attorney or have professional affiliates with these attorneys. Ask your advocate about his/her attorney “backup” and when he or she usually recommends that parents seek legal advice on a case.

Select an advocate with special education experience.

Advocates may have differing amounts of contact with particular districts or they may have differing experience with negotiations, mediation, or other dispute resolution vehicles. Ask your advocate about his or her experience with a particular school district or a particular type of representation. For example, if you want an advocate to come with you to an Individualized Education Plan meeting (an “IEP meeting”), ask the advocate about how many IEP meetings he or she has attended, especially in your district.

Select an advocate who understands your child.

Every child with a disability has unique educational needs. Your advocate should be able to explain to you how your child’s disability will affect the child at school. It is preferable to find an advocate who has working knowledge of your child’s disability, or one who is willing to gain the knowledge needed to serve your family’s interests.

Understand costs.

Advocate fees vary. Some advocates will not charge any money, while others charge an hourly rate or a flat fee for particular tasks. Ask your advocate to provide a written statement of how he/she will charge you in your case.

Understand your role as parents.

The advocate works as a resource to assist you in making educational decisions for your child with disabilities. The advocate cannot substitute his/her judgement for yours, nor can he/she do things on behalf of you or your child that you have not directed him/her to do. It is important to understand how your advocate sees his/her role. You should also expect regular (and preferably written) updates from the advocate on the status of your child's case.

Ask for references.

Ask advocates for references from other families they have served. By talking with other parents who have used an advocate, you can find out important information about the advocate and the services he or she provides.

To file a complaint or if you need additional information, please call the Disability Rights Bureau at (217) 524-2660 or (877) 844-5461 (TTY).

www.IllinoisAttorneyGeneral.gov

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