

## WHAT IS SPECIAL EDUCATION?

Special education consists of teaching, services, and support for students with disabilities to ensure that they are educated in an effective manner. Students with disabilities served by the Individuals With Disabilities Education Act (IDEA) represent approximately 12% of students enrolled in public schools nationally.

Special education services may be offered to students diagnosed with a disability such as:

- Autism
- Deaf-blindness
- Deafness
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment Including Blindness

## BASIC ADVOCACY TIPS

- Always keep copies of emails, letters, reports, or other materials received from or provided to school officials.
- Make notes of any conversations with school officials, including the date the conversation took place, and the person's name and position.
- Before attending a school meeting, prepare for it. Write a list of issues to discuss.
- Ask each person at school meetings for his or her name and position, and keep a record of that information.
- Ask the school official for a copy of the written policy, law, or regulation to which he or she is referring to, during the school meetings.
- Ask questions!
- Don't sign anything that is not understood. Volunteer education advocates can take papers home and read them before signing.

## VOLUNTEER EDUCATION ADVOCATE PROGRAM

Advocating for Children as a Court-Appointed  
Educational Surrogate Parent



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## THE VOLUNTEER EDUCATION ADVOCATE PROGRAM

The law requires that local school systems include parents in decisions regarding their child's needs for special education services. However, under certain circumstances when a parent is unavailable, a volunteer education advocate is appointed to represent the student and protect the student's special education rights. According to the Individuals With Disabilities Education Act (IDEA) and the Nevada Administrative Code (NAC), a school district or a judge must assign a volunteer education advocate to act as an educational surrogate parent in the following cases when:

- 1) The child is a ward of the state;
- 2) The child's parents are unknown;
- 3) The child's parents are unable to be located; or
- 4) The child is an unaccompanied homeless youth.

Legal Aid Center of Southern Nevada provides training and support to volunteers who are willing to become advocates for students with known or suspected disabilities, ensuring that schools are meeting their disability-related needs.

The majority of students in need of a volunteer education advocate are currently in foster care.

## WHAT ARE THE DUTIES OF A VOLUNTEER ADVOCATE?

A volunteer education advocate represents a student in special education matters related to:

- Identifying students with suspected disabilities
- Evaluating students with suspected disabilities to determine if they need special education services
- Providing support for students eligible for special education students in the least restrictive environment
- Providing students with disabilities a Free and Appropriate Public Education (FAPE)

Legal Aid Center's volunteer education advocates have the same rights as natural parents in all aspects of the special education process. These rights include initiating and attending Individualized Education Program (IEP) meetings, disciplinary meetings, and due process hearings.

Volunteer education advocates must be notified of all educational decisions for their student and all meetings that pertain to their student's special education services. Once court-appointed, volunteer education advocates act as educational surrogate parents, and are empowered to make education-related decisions on behalf of the student.

The law places great emphasis on parent participation in the IEP team meeting. As such, it is the school's responsibility to schedule the meeting at a time and place that is convenient for all parties, and with enough notice to ensure attendance from the volunteer education advocate.

Volunteer education advocates have no responsibility for the care, maintenance, financial support, or physical care of the student and are not liable for actions taken in good faith on behalf of the student in protecting the educational rights of the student.

## HOW DO I BECOME A VOLUNTEER EDUCATION ADVOCATE?

Interested volunteers attend a training where they learn about the special education process, the local school district, and how to effectively advocate for a student with disabilities. Trained volunteers are then contacted by Legal Aid Center regarding a student in need of a volunteer education advocate.

Legal Aid Center will prepare and submit a court order, which will give the volunteer the authority to be the volunteer education advocate and act as the educational surrogate parent for the student. Legal Aid Center then provides ongoing training and support, including support meetings and topic-led discussions regarding special education policies and procedures.

Under the IDEA and NAC, a person employed by an agency who is involved in the child's care (i.e., anyone employed by the local school district, the Department of Education, or child welfare agencies) may not make special education-related decisions for that child.

## WHAT IF I DON'T AGREE WITH THE SCHOOL?

If a student is deemed ineligible for special education, the volunteer education advocate may not agree. If the student already receives special education services, the volunteer education advocate may not agree with the re-evaluation the school completed, or the program or the placement offered.

The volunteer education advocate may set up an IEP team meeting to talk about issues, request mediation from the State Department of Education, or request a due process hearing.

More information about due process hearings is provided on our Web site at [www.lacsn.org](http://www.lacsn.org) under Children's Attorneys Project.