

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

SEPTEMBER 25, 2006

TO: Carol Comeau, Superintendent
Rhonda Gardner, Assistant Superintendent, Instruction
Mike Henry, Executive Director, High School Education
Patricia McRae, Executive Director, Elementary Education
Leslie Vandergaw, Executive Director, Middle School Education
Dana Dugdale, Director, E.C.E. Special Education
Cindy Anderson, Director Secondary Special Education
School Principals

FROM: Jerry Sjolander, Executive Director, Special Education

SUBJECT: Attorney Presence at IEP Meetings

In the past year, we have witnessed a growing trend of parents bringing attorneys to IEP or other special education meetings. There are several factors for district representatives to consider when he or she is notified by a parent that the parent is bringing legal counsel to a special education meeting:

1. At the discretion of the parent or district, other individuals who have knowledge or special expertise regarding the child may be invited to the meeting (the determination of whether the person invited has such knowledge or special expertise is made by the inviting party, be it the parent or district). The District must inform the parents of their right to bring other participants to the meeting. It would be appropriate for the District to ask whether the parents intend to bring additional participants to the meeting.
2. The Alaska State Handbook advises that the attendance of attorneys at an IEP meeting is strongly discouraged due to the potential for creating an adversarial atmosphere that would not necessarily be in the best interests of the child.

3. Once a district representative is aware that a parent is bringing an attorney to a special education meeting, he or she should contact the Special Education Office at 742-4236 or their division director (ECE 732-3895 or Secondary/Special Programs 742-3888). If the notice leaves insufficient time for ASD to ensure counsel represents the district, the meeting will most likely be rescheduled.
4. ASD always desires to have district counsel present if a parent is bringing an attorney to a special education meeting. It is important to distinguish that some community advocates have had their roles misunderstood. If an advocate merely introduces himself or herself as "representing the parents" or "from Disability Law Center" or "Parents' Inc.", these statements do not necessarily mean the individual is an attorney. District representatives should determine whether the person is in actuality an attorney.
5. If a parent unexpectedly brings an attorney to a special education meeting, district representatives are advised to postpone the meeting until a time that both parents and district attorneys can be present as well as all necessary team members.
6. **In the event that a parent or parents are themselves attorneys, ASD does not advocate bringing counsel to special education meetings as a result of a particular parent's profession. However, if the District is currently in litigation with the parent attorney regarding the child in question or a building level administrator determines there is a credible basis from which to conclude that the parent attorney is "threatening legal action", then the building level administrator, the special education executive director and counsel will determine whether ASD counsel should be present.**