



## **Voluntary Code of Ethics For Special Education Advocates**

### **Introduction**

This Voluntary Code of Ethics was composed by a group of active Special Education Advocates, all of whom are members of The Council of Parent Advocates and Attorneys (COPAA), a national voice for special education rights and advocacy. COPAA's primary goal is to secure effective and appropriate educational services for children with disabilities, and to protect their educational and civil rights.

COPAA'S membership is comprised of special education attorneys and advocates, and parents whose children receive special education services. The purpose of this Code is to provide a set of principles which Special Education Advocate members of COPAA (Advocates) can use as a guide for their work, conduct, and decision making. This Code is voluntary and is intended only as a guide. Each Advocate who chooses to use this Voluntary Code should apply and interpret these guidelines within the bounds of state law in his or her state.

### **Preamble**

Special education advocates are committed professionals who help parents secure free appropriate public education for their children with disabilities. Advocates promote dignity and respect for every individual with disabilities by promoting vigorous enforcement of state and federal civil and human rights laws.

Special Education Advocacy is a profession comprised of a diverse group of people who work as independent private consultants or under supervision of a licensed attorney or in a law firm; in a public interest law center or other nonprofit organization; or under the auspices of a parent training and information center or advocacy center. Advocates may work in a paid or voluntary capacity. An Advocate has knowledge and expertise concerning special education and its applicable federal and state laws and works within the bounds of these laws. An Advocate protects the civil rights of children with special needs, their rights to due process, and their rights to equal access to equitable public school education. An Advocate remains current with applicable regulations and special education issues through continuing education and training.

This Voluntary Code is intended to accomplish the following:

- a. Serve as an Advocate's guide to professional conduct.
- b. Help parents make informed choices about engaging advocacy services.
- c. Instill public confidence in the integrity of Advocates and the roles they fill.

Advocates who voluntarily subscribe to this Code are expected to follow the Code's ethical principles as a guide for proper professional conduct. This Code does not create disciplinary rules, and is not intended to be used to sanction Advocates.

## **Ethical Principles**

### **I – Competence**

An Advocate:

1. Works within the limits of his or her competence.
2. Informs a client when the Advocate is not competent to handle a matter or any portion of a client matter.
3. Is candid concerning the Advocate's knowledge and skills.
4. Continues his or her special education advocacy education by successfully completing 12 hours of continuing education courses annually. Continuing education courses may be obtained through private or non-profit vendors, bar association continuing legal education courses, paralegal courses, State Department of Education courses or seminars, civil rights or disability rights organizations; professional associations of attorneys or advocates; or other continuing education courses or programs related to special education practice, advocacy, negotiation, or mediation.
5. Is knowledgeable with regard to the regulations of the jurisdictions in which they work or in which their clients are located.
6. Provides competent assistance. Competent assistance requires the special education knowledge, skill, thoroughness, and preparation reasonably necessary for the assistance required under the circumstances.
7. Exercises reasonable care.

### **II – Responsibilities to Client**

An Advocate:

1. Helps clients make informed decisions about appropriate educational services by providing clients with relevant information.
2. Helps clients articulate their concerns and desires for student's educational needs.
3. Makes full disclosure to every individual involved with a matter that he or she is not licensed to practice law and cannot give legal advice.
4. Handles matters in a timely manner and without undue delay.
5. Educates clients about special education law and regulations, and helps them become more skillful and effective advocates.
6. Maintains regular contact.
7. Treats clients and others with dignity and respect.
8. Secures a written agreement for services with clients before performing any professional services.

9. Obtains a client's permission before discussing the client's matter with anyone other than the client, and adheres to any Federal or applicable State confidentiality requirements.\*
10. Maintains client records, keeps client information confidential and, unless the client has agreed in writing otherwise, makes arrangements to return or destroy records belonging to the client at the conclusion of the client's matter.
11. Discloses to the parent/guardian/client that:
  - a. depending on the location, rules and privileges applicable in the jurisdiction, court, and/or matter, that an advocate-client privilege may not exist or if it exists by rule or order, or from some other basis, may be waived.
  - b. in any proceeding with any court or hearing officer or administrative law judge that the Advocate and Parent may be ultimately ordered to comply with lawfully issued subpoenas, requests to produce or court/ALJ order.
12. Maintains and shares information regarding local, state, regional, and national resources for parents and students, and information regarding current trends and practices in special education, as well as a referral list of professional contacts.
13. Provides culturally and educationally appropriate services.

### **III – Conflicts of Interest**

An Advocate will:

1. Disclose all potential conflicts of interest. An Advocate is obligated to place the interest of the client ahead of any personal interest or personal gain, and to disclose all facts in any situation where a potential conflict of interest may arise.
  - a. An Advocate will at a minimum, inform potential clients of any employment affiliations, financial or professional interests that may be perceived to bias recommendations, and in some cases, decline to provide services where the actual or apparent conflict of interest is such that it may fairly be concluded that such affiliation or interest is likely to impair professional judgments, result in personal gain, or impede advocacy efforts in any way.
2. Make referrals and placements to service providers based solely on the needs of the student.
3. Refrain from accepting or giving anything of value for the recommendation of advocate services to others

### **IV – Communication**

An Advocate will:

1. Never knowingly mislead others in the pursuit of a client's matter.
2. Pursue ethical means to solve an issue or produce a particular outcome.
3. Present claims that are truthful and can be substantiated concerning the Advocate or the Advocate's service or the services of another advocate.
4. Communicate with others in a fair and civil manner.
5. Maintain as confidential all information about the client which is provided to the Advocate by the client, will use such information solely for advocating on behalf of the client, and will not disclose such information to any third party except (a) with prior authorization from the client; or (b) as otherwise required by law.
6. Maintain and preserve client records in a manner that complies with applicable state law or rules of professional conduct governing client records for the Advocate's state in which his or her office is located.

## **V – Professionalism**

An Advocate will:

1. Adhere to all applicable laws of the jurisdiction(s) in which the Advocate works or in which the client is located.
2. Review relevant records and information prior to effectively offering specific assistance.
3. Attempt to resolve special education disputes utilizing IEP meetings, mediation and resolution meetings, as described in the I.D.E.A. and the Advocate's state special education regulations.
4. Manage his or her professional office and financial affairs in a manner that conforms to generally accepted business and financial practices.
5. Treat all parties subject to a dispute with candor, fairness and civility.

*\* Please note: As a general rule, and unless given an explicit state statutory right to assert privilege, advocates are not able to assert privilege for communication with clients. Please check with an attorney in your state for any questions regarding assertions of privilege.*

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