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## **ADVOCATE AND THIRD-PARTY PARTICIPATION PROCEDURE (SPE-P029)**

Clarksville-Montgomery County School System

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### **1.0 SCOPE**

1.1 This procedure outlines the expectations and procedures for advocate and third-party attendee participation in Clarksville-Montgomery County School System (CMCSS) Section 504, IEP team, and any other student related meetings.

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

### **2.0 RESPONSIBILITY:**

- 2.1 Director of Special Populations
- 2.2 504 Coordinator
- 2.3 Chief Academic Officer

### **3.0 APPROVAL AUTHORITY:**

- 3.1 Chief Academic Officer

### **4.0 DEFINITIONS:**

- 4.1 Advocate means an individual chosen by the parent, guardian, conservator, and/or eligible student to provide support and information regarding the student's special education or Section 504 needs. Advocates may include educational consultants, legal representatives (which requires the presence of CMCSS' legal counsel), family members, or other qualified individuals with knowledge of special education and/or Section 504.
- 4.2 Eligible student means a student enrolled with the Clarksville-Montgomery County School System (CMCSS) who has attained the age of 18, unless a determination has been made in accordance with Tenn. Code Ann. §§ 34-1-101 et seq. and §§ 34-3-101 et seq.
- 4.3 Family Educational Rights and Privacy Act or "FERPA" means the federal law that governs the access to educational information and records.
- 4.4 "Individual Education Program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR §§ 300.320 through 300.324.
- 4.5 "Parent" means:
  - 4.5.1 The biological parent;
  - 4.5.2 A legal guardian;
  - 4.5.3 A person who has custody of the child;
  - 4.5.4 A surrogate parent appointed in accordance with 34 C.F.R. §300.519 and Rule 0520-01-09-.20 to represent a child in all matters relating to:
    - 4.5.4.1 The identification, evaluation, and educational placement of the child; and



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4.5.4.2 The provision of FAPE to the child; or

4.5.5 A person with caregiving authority for the child, including but not limited to, a foster parent if the biological or adoptive parent's authority to make educational decisions on the child's behalf has been terminated under Tennessee law and the foster parent:

4.5.5.1 Is willing to make the educational decisions required of the parents under the law;

4.5.5.2 Has no interest that would conflict with the interest of the child: and

4.5.5.3 Has been a foster parent for more than one (1) year in duration. If he or she has been the foster parent to the child for less than one (1) year in duration, he or she may be appointed by the LEA as the surrogate parent for the child.

4.6 Section 504 refers to Section 504 of the Rehabilitation Act of 1973.

4.7 Third-Party Attendee means an individual chosen by the parent, guardian, conservator, and/or eligible student to attend a student's special education or Section 504 meeting.

### **5.0 PROCEDURE:**

5.1 Parents and/or eligible students have the right to invite advocates and other third-party attendees to "Individual Education Program" or "IEP" and Section 504 meetings. The following are appropriate guidelines for the presence of an advocate or other third-party attendee.

5.1.1 Parents and/or eligible students are encouraged to notify the school that an advocate and/or third-party attendee is expected to attend an upcoming Section 504 or IEP team meeting.

5.1.1.1 Parents and/or eligible students are encouraged to notify the school that an attorney is expected to attend an upcoming Section 504 or IEP team meeting. The failure to notify the school prior to the scheduled meeting will result in the meeting being rescheduled so that CMCSS' legal counsel may attend.

5.1.2 The parent and/or eligible student must sign the Consent for Third-Party Presence at a School Meeting, REC-F008, at the start of each meeting. The completed form will be maintained as part of the student's education record.

5.1.3 CMCSS will send the IEP team or Section 504 meeting invitation and/or zoom meeting link to the parent and/or eligible student. The parent and/or eligible student is responsible for forwarding the meeting invitation and/or zoom meeting link to the advocate and/or third-party attendees.

5.2 Communication

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- 5.2.1 CMCSS staff will communicate directly with the parent and/or student before, during, and after the meeting.
  - 5.2.1.1 While an advocate and/or third-party attendee may generally speak during the Section 504 and/or IEP team meeting, subject to any restrictions in 5.3.3 below, a non-attorney advocate and/or third-party attendee who is not a licensed attorney will not be permitted to speak for the parent and/or eligible student during the meeting.
- 5.2.2 It is the responsibility of the parent and/or eligible student to share any relevant information with the advocate or third-party attendee.
- 5.2.3 CMCSS personnel will not communicate by email with an advocate or third-party attendee, even if the parent and/or eligible student includes the advocate or third-party attendee on the email or requests that the advocate or third-party attendee be included on the email.
  - 5.2.3.1 The parent and/or eligible student has the right to forward the email communication to the advocate or third-party attendee at their discretion.
- 5.2.4 CMCSS personnel will not speak with or to an advocate or third-party attendee if the parent and/or eligible student is not present and a FERPA release is not on file.
- 5.3 Meeting Expectations
  - 5.3.1 CMCSS will utilize the following meeting norms:
    - 5.3.1.1 All meeting participants should be treated with respect and in a professional manner. Personal attacks, raised voices, and disrespectful language are unacceptable and may result in the meeting being paused or rescheduled.
    - 5.3.1.2 The team must remain focused on addressing the student's Section 504 or IDEA needs. Non-IDEA or Non-Section 504 matters should be addressed outside of the Section 504 or IEP meeting.
    - 5.3.1.3 All meeting participants will listen actively and consider each other's perspectives and input. Active and respectful listening aids in understanding each participant's concerns, finding common ground, and encouraging the team to find solutions rather than assigning blame.
    - 5.3.1.4 In the event that more time is needed to complete the meeting, the team will reconvene as soon as possible. When possible, the team should schedule the subsequent meeting before the conclusion of the initial meeting.



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5.3.2 If a parent, eligible student, advocate, and/or third-party attendee refuses to abide by the meeting norms, or otherwise displays abusive behavior toward any CMCSS staff member, the LEA may, in their discretion,:

5.3.2.1 Call for a short break or meeting recess;

5.3.2.2 Adjourn and reschedule the meeting;

5.3.2.3 Limit the advocate and/or third-party attendee’s communication during the meeting to the parent or eligible student only;

5.3.2.4 Restrict the parent, eligible student, advocate or third-party attendee to telephonic or Zoom meeting participation. This option shall be utilized in only the most severe situations where the parent, eligible student, advocate or third-party attendee has repeatedly violated the meeting norms or has otherwise created an unsafe environment.

5.4 Both CMCSS and parents or eligible students have the freedom to invite an attorney to an IEP team or Section 504 meeting.

5.4.1 While it is CMCSS’ general practice to not include attorneys who represent the district in Section 504 or IEP team meetings, CMCSS may exercise its discretion and deviate from this practice.

5.4.1.1 In the event that CMCSS determines that it is appropriate to invite its legal counsel to the Section 504 or IEP team meeting, notice will be provided to the parent or eligible student prior to the meeting.

5.4.2 Parents and/or eligible students are encouraged to notify the school that an attorney is expected to attend an upcoming Section 504 or IEP team meeting. The failure to notify the school prior to the scheduled meeting will result in the meeting being rescheduled so that CMCSS’ legal counsel may attend.

**6.0 ASSOCIATED DOCUMENTS:**

6.1 REC-F008 Consent for Third-Party Presence at a School Meeting

**7.0 RECORD RETENTION TABLE:**

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
REC-F008	Part of IEP Record	Permanent	Shred	Secure, locked location, or secure backup.

**8.0 REVISION HISTORY:**



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<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
11/14/24		Initial Release

\*\*\*End of Procedure\*\*\*