

Parent wants 'advocate' instead of lawyer

By Joan Verdon

Staff Writer

A Ridgefield mother of a special-education student is fighting for the right to choose a volunteer "parent advocate" rather than a lawyer to represent her in court.

Grace Gobbo, who has been ordered to appear in Superior Court because she is refusing to allow the school district's child psychologist to evaluate her child, says she cannot afford to hire a lawyer. She also thinks Marilyn Arons of Teaneck has more knowledge of special-education law than a lawyer would have.

Mrs. Gobbo wants Mrs. Arons, president of the Teaneck Parent Information Center, to be allowed to represent her in court. She may have come a step closer to that goal Friday, when Superior Court Judge Sherwin Lester allowed Mrs. Arons to act temporarily as her attorney.

Lester made that decision after trying unsuccessfully to recruit a volunteer attorney from the lawyers waiting in his courtroom for other cases. The judge reserved decision on whether Mrs. Arons can continue to represent Mrs. Gobbo in the case.

Change in state law

Mrs. Arons and other parents of special-education students say more parents will find themselves in court and be forced to hire lawyers because of a change in state law that went into effect last year. That change took disputes between parents and school districts out of the Department of Education and into the courts. In the past, parent advocates such as Mrs. Arons were allowed to represent parents before the Department of Education.

Mrs. Gobbo says school districts now can persuade parents to drop their disputes simply by going to court. "The parents have to stop because they don't have a lawyer," she said.

At issue in the Gobbo case is an order by a state Department of Education official that the

district pay transportation and tuition costs for the Gobbos' 9-year-old son to attend a private special-education school. The order, however, also stipulated that the district must be allowed to evaluate the child to determine the best educational program for him.

The Gobbos are refusing to allow the district's child study team to psychologically evaluate their son because they think the team is "extremely biased and incompetent." They claim the district labeled their son as mentally retarded without clinical evidence and that their child's handicap is a speech disorder.

While reserving decision on whether Mrs. Arons could represent Mrs. Gobbo in the future, Lester told Mrs. Gobbo she must allow legal representation for her child even if she herself did not want it. He said he will appoint an attorney for the child if she does not select one.

Lester said the Gobbo case is an example of a situation where there could be "a conflict of interest between the child's needs and the parents' interest," similar to a situation in which parents

refuse to allow their child to receive medical treatment.

Mrs. Arons nonetheless viewed Friday's proceeding as "a major victory" for parents.

"History was made today," she said after her court appearance. "It's never happened before that an advocate has been allowed to appear and put the appearance on the [court] record."

She said that in a similar case in Passaic County, she was told she would be arrested or fined if she appeared in Superior Court to try to speak on a parent's behalf.

Dr. Barbara Bateman, a professor of special-education law at the University of Oregon and author of books on the rights of parents of special-education children, agreed the court appearance was unusual. "As far as I know, it is a first," she said. "I'm not aware it's ever happened before."

Dennis G. Harraka, the attorney for the Ridgefield Board of Education, had a different opinion on Mrs. Arons's fight. "She lost that," he said. "As far as I'm concerned, what the judge was saying is a lawyer has to get involved, at least for the child."

1982