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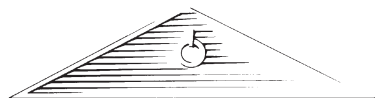


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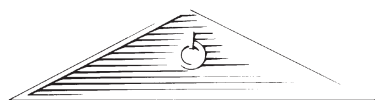
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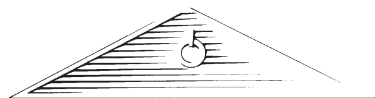




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CUMULATIVE  
SUBJECT  
MATTER  
DIGESTS

ABRIDGED SAMPLE



LANDLAW LEGAL PUBLISHERS

ABRIDGED SAMPLE

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## Cumulative Subject Matter Digests—1995-2019

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### Advocates

#### Competence

Where the Parents' advocate remained disgruntled by an earlier decision she had reached involving different parties, the Hearing Officer found no merit in the Parents' allegations that 22 motions had gone unaddressed and denied their motion to recuse. Observing that their advocate's antipathy toward her may have undermined the Parents' confidence in the proceeding and that the BSEA is obliged to assist "inadequately represented parties," the Hearing Officer referred the case for administrative reassignment. *In Re:Norton Public Schools (Ruling on Parents' Motion for Recusal)*, 22 MSER 212 (2016).

Given the virtual absence of factual support and the extremely limited legal support for the parents' claim that student was entitled to a publically funded private education, it was clear that parents were grievously misled by advocates and evaluators upon whom they relied for advice. *In Re:Matthew M. (Decision)*, 1 MSER 32 (1995).

#### Parental Representation

Rejecting a request that the evidentiary hearing be conducted via videoconferencing, the Hearing Officer ordered Parent's Advocate to be present at the hearing. Hearing Officer found that to allow otherwise would unfairly prejudice the Parent and her 19-year-old son and make the forum difficult to manage. *In Re:Pembroke Public Schools (Order & Ruling)*, 25 MSER 110 (2019).

Where advocate was not serving as Parents' representative at the BSEA, and was not employed by their attorney, no work product privilege attached to her records. Hearing Officer denied advocate's motion for a protective order relative to the district's subpoena of her records. *In Re:Duxbury Public Schools (Ruling on the Advocate's Motion for Protective Order and Other Orders)*, 24 MSER 23 (2018).

Hearing Officer denied Parent's motion for reconsideration of her ruling which held that certain communications between the Parent and her advocate were not privileged. In seeking reconsideration, Parent had relied on a holding in *Woods v. New Jersey Dep't of Educ.*, 858 F. Supp. 51 (D.N.J. 1993) which extended the attorney-client privilege to lay advocates in special education proceedings. Noting that in New Jersey, unlike Massachusetts, lay advocates are regulated and subject to the same rules of professional conduct as attorneys, the Hearing Officer found that the Parent's reliance on this case was misplaced. *In Re:Waltham Public Schools (Ruling on Parent's Motion For Reconsideration)*, 23 MSER 171 (2017).

In a dispute where Parent had initially filed a hearing request *pro se* and later as the advocate for her adult daughter, Hearing Officer Rosa I. Figueroa held that an agreement between the Parent and the Pentucket Regional School District was not limited to the claim for reimbursement for an independent evaluation but was intended as a settlement of all of Parent's claims. This ruling was made as part of a bifurcated proceeding on remand from the federal district court at which neither the Student nor the Parent appeared. The Hearing Officer's order limited the upcoming hearing to the Student's challenge to the school district's finding of no eligibility and her request for funding for post-graduation placement at Landmark College. *In Re:Pentucket Regional School District (Decision)*, 21 MSER 87 (2015).

Where a parent had advised the North Andover school district that her advocate would be representing her at Team meetings and had "complete permission" on all matters of the student's educational placement, the district was justified in believing it had the parent's permission to place the

student in a different program when the advocate had orally consented to this placement. *In Re:North Andover Public Schools (Decision)*, 14 MSER 8 (2008).

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### Assessment

#### Parental Consent

Hearing Officer granted district's request for substitute consent to have a 17-year old girl with autism undergo an extended evaluation at the Futures School, provided that a home assessment be one component of the evaluation process. The extended evaluation at Futures was necessary to provide FAPE for the teenager where Newburyport had been able to demonstrate that it could not keep her safe while assessing her within the district. The request came after the teenager, on her third day in the district, had assaulted two staff members and engaged in self-injurious behaviors. Claiming her daughter's behaviors were the result of allergies, the Parent had rejected the proposed extended evaluation placement and had sought home tutoring services. *In Re:Newburyport Public Schools (Decision)*, 22 MSER 32 (2016).

Hearing Officer Catherine M. Putney-Yaceshyn overrode a Falmouth Mother's refusal to allow a functional behavioral assessment for her nine-year-old son, finding that an FBA was necessary in order to provide the Student with sufficient supports to enable him to regulate his behaviors and be available for learning. The Hearing Officer also upheld Falmouth's IEP which called for the placement of this Student in its Structured Learning Center where extensive services would address his social and emotional deficits and provide a specialized reading program. *In Re:Falmouth Public Schools (Decision)*, 18 MSER 252 (2012).

A parent's BSEA appeal for reimbursement for a private-school placement was dismissed on motion by Hearing Officer Raymond Oliver after testimony established the child's parents refused to consent to an evaluation and failed to respond to IEPs over a period of several years. *In Re:Marblehead Public Schools (Decision on Motion to Dismiss Parents' Appeal)*, 7 MSER 176 (2001).

Hearing Officer Lindsay Byrne ruled that the use of administrative due-process procedures under IDEA to gain substitute consent to an initial evaluation of a student whose parents had refused such consent would be inconsistent with Massachusetts state law and that the section of IDEA providing for such an administrative bypass could not be enforced in Massachusetts. *In Re:Sharon Public Schools (Ruling on Parents' Motion to Dismiss)*, 4 MSER 91 (1998).

Request to bar expert testimony of consultant who observed proposed program without parental consent denied because consultant was evaluating the program, not the child. *In Re:Steven A. (Decision on Motion to Bar Testimony)*, 1 MSER 41 (1995).

#### Request for Assessment

Hearing Officer rejected district's request for substitute consent for a home assessment to assist in the improvement of a 16-year old boy's school attendance. Noting that the district's goal was laudable, the Hearing Officer found that the district had not met its significant burden to show that a home assessment was necessary in order to craft an appropriate IEP or that it was likely to result in a substantial benefit to the Student. *In Re:Millbury Public Schools (Decision)*, 24 MSER 152 (2018).

Newton educators demonstrated a lack of foresight and compassion in failing to treat student's discharge from a psychiatric hospital as a request for special services even though complying with the technical requirements of the special-education regulations at 603 CMR 28.309. *In Re:Danielle P. (Decision)*, 1 MSER 10 (1995).

## CUMULATIVE SUBJECT MATTER DIGESTS

**Timeliness**

Hearing Officer Sara Berman ordered West Springfield parents reimbursed for a unilateral placement of their 12-year-old at a private, 766-approved day school after the public school failed to assess and deal with the child's emotional difficulties in a timely fashion and then proposed an IEP combining mainstreaming with pull-out sessions of language instruction that failed to address the student's deficits sufficiently. *In Re: West Springfield Public Schools (Decision)*, 8 MSER 230 (2002).

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**Attorneys****Competence**

Hearing Officer questioned the role of attorney representing parents where advocate presented the case and attorney did not question witnesses, file or make any objections, offer any argument, or participate meaningfully in any settlement, scheduling, or evidentiary conferences. *In Re: Matthew M. (Decision)*, 1 MSER 32 (1995).

**Conflict of Interest**

Parent would be allowed to reopen hearing where counsel had withdrawn due to a conflict of interest and new counsel would be given opportunity to learn the case fully and develop a settlement or trial strategy. *In Re: Sebastian K. (Ruling on Parent's Motion to Reopen Hearing)*, 1 MSER 2 (1995).

**Fees**

BSEA lacked jurisdiction to award attorney's fees to an educational surrogate where there is nothing in the IDEA or G.L. c. 71B which grants parents or surrogate parents the right to representation by publicly funded counsel. *In Re: Springfield Public Schools (Ruling on Motions to Dismiss)*, 17 MSER 81 (2011).

Hearing Officer Rosa I. Figueroa dismissed retroactive claims with prejudice due to a Parent's failure to prosecute the appeal. The Parent, a neuro-developmental psychiatrist at Harvard Medical School, had demonstrated a pattern of requesting postponements and delays and then refusing to proceed to hearing. Her claim that her dyslexia prevented her from organizing and presenting her case, given her educational achievements, was dismissed as disingenuous. The Hearing Officer declined to award costs to one of the LEAs for legal fees associated with preparing for a hearing that was abruptly cancelled, citing the potential exacerbation of an already difficult situation arising from the Parent's upcoming *pro se* presentation of her case for prospective claims. *In Re: Lexington Public Schools (Ruling on Lexington's Motion to Dismiss with Prejudice)*, 16 MSER 151 (2010).

A settlement agreement imposed by threatened sanctions on the Fitchburg Public Schools by a BSEA Hearing Officer that specifically left the award of attorney's fees to court approval did not accord the plaintiffs a "prevailing party" status and could not support the award of fees. *In Re: Smith v. Fitchburg Public Schools (Memorandum and Order)*, 10 MSER 203 (2004).

A panel for the First Circuit Court of Appeals followed the *Buckhannon* rule in finding that plaintiffs that achieve their desired result via private settlement with the LEA prior to BSEA hearing may not, in the absence of judicial imprimatur, be considered "prevailing parties" and therefore are not entitled to attorney's fees. *In Re: Doe v. Boston Public Schools (Appeal from the United States District Court for the District of Massachusetts)*, 10 MSER 183 (2004).

Hearing Officer William Crane declined to address the issue of "prevailing-party status" for the purposes of awarding attorney's fees in a case involving remedial orders for tutoring expenses and ruled that

determination of prevailing-party status is properly considered a part of the federal court's original jurisdiction. *In Re: Nahant Public Schools (Decision)*, 9 MSER 381 (2003).

Following a settlement between Rockport and a student whereby an IEP was amended to provide for an outside placement at the Landmark School, as requested by the student, Hearing Officer William Crane declined the parents' request for a BSEA order affirming the agreement, as well as determinations that the parties' legal relationship had been altered and that the parents were the prevailing party entitled to legal fees. *In Re: Rockport Public Schools (Ruling)*, 8 MSER 1 (2002).

U.S. Magistrate Judge Charles B. Swartwood III found the Supreme Court's decision in the *Buckhannon* case applied to fee claims under the IDEA and would therefore bar recoveries under the catalyst theory where changes were made to a special-education plan at the TEAM level without the necessity of a BSEA ruling. *In Re: April M. v. West Boylston Public Schools (Memorandum of Decision and Order for Amended Judgment)*, 7 MSER 239 (2001).

U.S. Magistrate Judge Kenneth P. Neiman awarded attorneys' fees to the prevailing student under either the "catalyst" or the "merits" approach finding that the student's attorneys' intervention yielded affirmative relief for the Plaintiff in the form of a residential placement that the school district had resisted paying in full. *In Re: Adam R. v. Chicopee Public Schools (Memorandum and Order with Regard to Plaintiff's Motion for Summary Judgment (Docket No. 10) and Defendant's Cross-Motion for Summary Judgment (Docket No. 12))*, 5 MSER 131 (1999).

Federal District Court Judge Michael A. Ponsor found no concurrent parental right to pursue a Section 1983 civil-rights claim in a routine special-education dispute but the parents' attorneys \$26,250 in legal fees for a split BSEA decision upholding the district's IEP subject to various modifications. *In Re: Andrew S. v. School Committee of Greenfield (Memorandum Regarding Defendant's Motion to Dismiss and Plaintiff's Motion for Attorneys' Fees)*, 5 MSER 125 (1999).

U.S. District Court Judge Reginald C. Lindsay ruled that a Westport student was the "prevailing party" and therefore entitled to an award of attorney fees where the school district had failed to consider an outside placement until the attorney requested an emergency hearing at the BSEA although the Director of Pupil Personnel Services claimed the residential placement would have been ordered without the attorney's intervention. *In Re: Christopher G. v. Westport Community Schools (Memorandum and Order on Cross-Motions for Summary Judgment on the Issue of Prevailing Party Status)*, 4 MSER 213 (1998).

U.S. District Court Judge Michael Ponsor ruled that prevailing plaintiff in special-education case was not required to file a lawsuit for fees within 30 days of the settlement of case but that such a suit would have to be filed within 30 days of the rejection by the school district of a demand for fees. *In Re: Alison H. v. Byard (Order)*, 4 MSER 92 (1998).

U.S. District Court Judge Michael Ponsor ordered a reduction in previously awarded attorney fees to \$19,000. *In Re: Alison H. v. Byard (Order)*, 4 MSER 92 (1998).

Parent's attorney secured an attorney-fee award of \$25,000 under the Handicapped Children's Protection Act by securing a residential placement for a troubled and violent Everett youth in the face of school department recalcitrance but without the need for a BSEA hearing, where a U.S. Magistrate determined that the attorney represented the "prevailing party," that he was instrumental in forcing the district to pay for the placement, and that his rates of \$175 for conferences and \$200 for trial work were reasonable. *In Re: William W. v. Everett Public Schools (Findings and Recommendation on Parties' Cross-Motions for Summary Judgment)*, 3 MSER 205 (1997).

## CUMULATIVE SUBJECT MATTER DIGESTS

Although BSEA made minor procedural corrections to a Mansfield IEP on appeal, parents were not entitled to an award of attorney fees since they did not prevail on their principal claim—the reimbursement of tuition for a unilateral placement. *In Re: Kathleen H. v. Massachusetts Department of Education et al. (Memorandum and Order on Defendant Mansfield School Committee's Motion to Dismiss and/or Alternative Motion for Summary Judgment)*, 3 MSER 197 (1997).

Federal District Court awarded “prevailing party” attorney fees to parents based on significant alterations in programming secured by the lawsuit, and rejected the LEA’s argument that the satisfaction of the parents’ original subjective intent in bringing lawsuit was the measure of whether prevailing-party status had been secured. *In Re: Sebastian K. v. Massachusetts Department of Education (Memorandum and Order)*, 2 MSER 248 (1996).

**Misconduct**

BSEA lacked jurisdiction to order an LEA to supply an attorney or a waiver of the attorney’s presence for meetings between the Parents’ attorney and school officials in order to protect the Parents’ attorney from bar discipline under Rule 4.2 of the Massachusetts Rules of Professional Conduct. *In Re: Springfield Public Schools (Ruling on Parent's Motion for Protective Order)*, 15 MSER 109 (2009).

**Prevailing Party**

United States District Court Judge William G. Young declined to follow Ninth Circuit precedent and ruled that a Boston student was not entitled to recover attorney’s fees after the district authorized her private placement five minutes before the BSEA hearing since the favorable outcome was not judicially sanctioned, and he declined to adopt the catalyst theory of fee recovery as applied to statutes providing for fees to “prevailing parties.” *In Re: Doe v. Boston Public Schools (Memorandum and Order)*, 9 MSER 277 (2003).

**TEAM Meeting**

Arlington school officials acted properly in refusing to convene a TEAM until the school’s counsel could be present where the student’s parent appeared at the meeting with his own attorney. *In Re: Arlington Public Schools (Decision)*, 4 MSER 165 (1998).

School district did not violate special-education regulations in refusing to convene a TEAM meeting until the school’s attorney was present where parents appeared at the meeting with their own attorney. *In Re: Holyoke Public Schools (Decision on Documents)*, 3 MSER 167 (1997).

**Withdrawal**

After Parents’ attorney withdrew after discovery was complete, Parents successfully opposed the regional school district’s attempt to have two issues — the alleged denial of FAPE and the Parents’ consent to distribution of documents to possible placements for their 13-year old son with a PTSD diagnosis — dismissed. The Parents had contended that their attorney did not have the authority to enter into any agreement with the district. Finding the submissions made by the Parents revealed nothing different from the issues previously raised by their counsel, the Hearing Officer declined to grant the district’s motion for partial dismissal. *In Re: Hamilton-Wenham Regional School District (Ruling on Hamilton-Wenham Regional School District's Partial Motion to Dismiss)*, 23 MSER 179 (2017).

The BSEA would not consider “motions” filed by an advocate while the Student concurrently had an attorney of record but would rely on instructions from that advocate once the attorney had withdrawn from the representation. *In Re: Norton Public Schools (Order)*, 19 MSER 304 (2013).

Attorney’s motion to withdraw from representation of severely disabled young man was granted based on Canon of Ethics and a finding that neither the student nor the Barnstable schools would be prejudiced thereby. *In Re: Kenneth M. (Decision on Request for Continuance)*, 1 MSER 144 (1995).

**BSEA Jurisdiction****ADA Compliance**

BSEA had no jurisdiction over claims alleging violations of the ADA made by an 18-year old student who had been hospitalized shortly after moving from New Jersey. The young man’s hearing request had included claims that DESE’s systems and procedures with respect to hospitalized students violated the ADA. The Hearing Officer noted that the ADA contains no FAPE requirement. *In Re: Chicopee Public Schools (Ruling on Motions to Dismiss of Mass. Dept. of Elementary and Secondary Education and Chicopee Public Schools)*, 23 MSER 1 (2017).

Hearing Officer William Crane granted the School District’s partial motion to dismiss counterclaims made by a Student under the Americans with Disabilities Act (ADA). Finding that the BSEA had no jurisdiction over the ADA claims, the Hearing Officer rejected the Student’s contention that it had authority to consider a claim that the placement was too restrictive and violated the integration mandate of the federal law. *In Re: Springfield Public Schools (Ruling on Partial Motion to Dismiss)*, 20 MSER 37 (2014).

BSEA lacked jurisdiction to adjudicate claimed violations of the ADA. *In Re: Kenneth M. (Decision)*, 2 MSER 2 (1996).

**Admissions**

Hearing Officer Catherine M. Putney-Yaceshyn dismissed a hearing request filed by Parents who sought placement of their 19-year old daughter in a culinary program at Minuteman Regional Vocational Technical School. The Hearing Officer ruled that the BSEA has no jurisdiction over the school’s DESE-approved admissions policy which limits enrollment to students in grades nine through twelve and found that the policy was not discriminatory. Where the young woman had earned a certificate of completion from the Nashoba Regional School District and was currently receiving transition services through a district IEP, Minuteman had no duty to provide special education services to her. *In Re: Minuteman Regional Vocational Technical School (Ruling on Minuteman Regional Vocational Technical School's Motion to Dismiss)*, 23 MSER 175 (2017).

While the BSEA lacked jurisdiction under IDEA to hear an appeal from a rejected student with disabilities who had applied to the Norfolk Agricultural School but never enrolled in the school (nor had he applied for admission in the current year), it did have jurisdiction under Section 504 to explore facially neutral admissions standards that might unlawfully impact the disabled. *In Re: Norfolk County Agricultural High School (Ruling on Motion to Dismiss of Norfolk County Agricultural High School and Parents' Motion for Summary Judgment)*, 11 MSER 233 (2005).

**Advisory Opinions**

BSEA issued an “advisory ruling” finding that the Holliston Public Schools had discharged its special-education obligations to an adult student by offering a therapeutic 502.6 day/residential placement where the parent did not participate in the proceeding and indicated the student would pursue a GED and not return to the school system. *In Re: John W. (Decision)*, 3 MSER 34 (1997).

**Attorney's Fees**

Denying a district’s counterclaim seeking attorneys’ fees along with a motion to dismiss, Hearing Officer held that the BSEA had no jurisdiction where the IDEA limits the authority to award attorneys’ fees to the federal



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district court. *In Re: Mansfield Public Schools (Ruling on Mansfield Public Schools’ Motion to Dismiss or, in the Alternative, Statement of Counterclaims)*, 25 MSER 1 (2019).

BSEA lacked jurisdiction to award attorney’s fees to an educational surrogate where there is nothing in the IDEA or G.L.c. 71B which grants parents or surrogate parents the right to representation by publicly funded counsel. *In Re: Springfield Public Schools (Ruling on Motions to Dismiss)*, 17 MSER 81 (2011).

### Child Find

Where Parents also raised child find violations, Hearing Officer denied the district’s motion to dismiss Parents’ claims that it had discriminated against their son in violation of Section 504 and failed to provide him with FAPE. Parents had alleged that the failure to allow their son to enroll in an Advanced Placement Biology course his sophomore year was discriminatory even though his eligibility for accommodations under Section 504 was established after the initial rejection of the Student’s application to enroll in the class. *In Re: Hopkinton Public Schools (Ruling on Hopkinton Public Schools’ Motion to Dismiss)*, 24 MSER 36 (2018).

Child Find violation that resulted in a Team meeting being delayed by four school days was *de minimis* and did not necessitate an order requiring the district to meet the original deadline. At the time of hearing, the district had already begun to cure the procedural defects resulting from its failure to forward the consent form in a timely manner and evaluations were underway. *In Re: Boston Public Schools (Decision)*, 22 MSER 225 (2016).

School district did not fail to comply with the “child find” provisions of the IDEA and Section 504 where the Parents presented no credible evidence to show that their teenage daughter had a continuing medical issue or any physical or mental impairment when she returned to school following a concussion. The district had followed her physician’s instructions upon her re-entry to school but had not referred her for an evaluation for IDEA services or Section 504 accommodations. *In Re: Lincoln-Sudbury Regional School District (Decision)*, 22 MSER 47 (2016).

A regional school district successfully argued that as a matter of law it could not be found liable for child find violations in the absence of a qualifying disability requiring special education services. The record reflected no evidence that any teacher or service provider had ever raised concerns that the high school student had presented with a disability or was unable to access the general education curriculum effectively without specialized instruction. The teenager had passed the MCAS, achieved above-average SAT scores, and had met all requirements for graduation. *In Re: Pentucket Regional School District (Decision II)*, 21 MSER 222 (2015).

Hearing Officer Rosa I. Figueroa rejected Parent’s/Student’s child-find claims and refused to set aside the two-year statute of limitations where the hearing request had asserted that the Pentucket Regional School District had known that the Student was disabled as far back as 2002 and had violated their due process rights by failing to provide notification of procedural safeguards. Where the Parent did not refer her daughter for special education services until the end of 11th grade and Pentucket was able to show that it provided appropriate procedural safeguards, the Hearing Officer found that the facts did not support setting aside the statute of limitations. *In Re: Pentucket Regional School District (Decision)*, 21 MSER 87 (2015).

Hearing Officer William Crane rejected a School District’s argument that Massachusetts law provides a state equivalent to the Response to Intervention (RIT) that would allow it to delay a referral for evaluation under Child Find for a period of time while it provides regular-education services. *In Re: CBDE Public Schools (Decision)*, 18 MSER 147 (2012).

An undisclosed School District violated child-find requirements when failing to refer a Student for an evaluation to determine eligibility under Special Education laws and Section 504 immediately after the Student’s disclosure that she had been raped by a school employee. The LEA’s continuing failure to refer the Student for an evaluation even after a residential psychiatric admission and diagnoses of PTSD and Mood Disorder was a blatant disregard of the Student’s child-find rights and satisfied the compensatory-damages standards under Section 504. The decision was issued solely for the purpose of making findings relevant to Parents’ monetary damages claims in state or federal court. *In Re: CBDE Public Schools (Decision)*, 18 MSER 147 (2012).

Hearing Officer William Crane dismissed special-education claims appearing in Parents’ hearing request since the parties had agreed to provide the Student with a residential educational placement. With respect to Parents’ claims for damages arising from the rape of her child by an employee of the school district, the Hearing Officer found that the Parents had alleged sufficient facts to make out a claim for relief under IDEA’s “child find” protections and under Section 504. In addition, Hearing Officer Crane also found that under IDEA and Section 504’s requirement for exhaustion of remedies, he was obligated to make findings of fact regarding Parents’ damages claims for the purpose of assisting a court to determine what damages should be awarded. BSEA declined to read the IDEA’s exhaustion requirements and BSEA’s fact-finding role to include Students’ claims under state tort laws, Section 1983, Title IX, the ADA, or the Massachusetts Civil Rights Act since these were beyond the agency’s knowledge and expertise. *In Re: CBDE Public Schools (Ruling on CBDE Public Schools’ Motion to Dismiss)*, 17 MSER 43 (2011).

### Civil Rights

Noting the BSEA’s limited subject matter jurisdiction, the Hearing Officer granted a partial motion to dismiss filed by the regional school district with respect to claims that could only be construed as viable under Title IX, Chapters 151B, 119, and 71 of the General Laws, or as violations of constitutional and common law tort principles. Seeking reimbursement for the unilateral placement of their daughter at Friend’s Academy, Parents had claimed that the district had failed to prevent bullying, as well as sexual and physical assaults on their daughter. *In Re: Old Rochester Regional School District (Ruling on School’s Motion to Dismiss)*, 24 MSER 35 (2018).

Hearing Officer found that the BSEA had no jurisdiction over claims asserting violations of the Americans with Disabilities Act (ADA) and the Equal Educational Opportunity Act (EEOA) filed by an 18-year old Student, whose primary language was Spanish. Consistent with the ruling in *In Re Xylia*, 18 MSER 373 (2012), the Hearing Officer found that the BSEA lacked jurisdiction where the facts surrounding the claims could not be “logically connected to any denial of FAPE.” The district’s motion to dismiss with respect to English Language Learner services, however, was not granted as the Hearing Officer determined that the Student’s language services were inextricably intertwined with his special education needs. *In Re: Worcester Public Schools (Ruling on School District’s Motion to Dismiss Specific Claims Asserted in Student’s Amended Request for Hearing)*, 23 MSER 183 (2017).

Citing the BSEA’s limited jurisdiction, a Hearing Officer dismissed those parts of a hearing request filed by an 18-year old student that alleged violations of the ADA, the Massachusetts Declaration of Rights, and the United States Constitution. The teenager had been hospitalized in a DMH facility shortly after moving from New Jersey to Chicopee and alleged that the district and DESE had failed to provide him with FAPE by not adhering to stay-put requirements and failing to convene a Team meeting. The Hearing Officer observed that the BSEA not only lacks the specific statutory authority over such claims, it also lacks the expertise and experience to

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evaluate and adjudicate them. *In Re:Chicopee Public Schools (Ruling on Motions to Dismiss of Mass. Dept. of Elementary and Secondary Education and Chicopee Public Schools)*, 23 MSER 1 (2017).

Hearing Officer Sara Berman denied a regional school district's motion to dismiss allegations contained in a Parent's Hearing Request which had been investigated by OCR, including claims that the district had ignored child-find requirements, violated Section 504 rights, and had failed to conduct timely evaluations. The district had argued that the same issues had been examined and resolved by OCR resulting in no findings against it. The Hearing Officer observed that while a BSEA determination may have a preclusive effect on an OCR determination, the converse was not true, particularly where, as here, OCR did not issue detailed findings to support its determination. *In Re:Tantasqua Regional School District (Ruling on Tantasqua Regional School District's Partial Motion to Dismiss)*, 21 MSER 155 (2015).

Hearing Officer William Crane granted an LEA's Motion to Dismiss with respect to parental claims that were collaterally estopped or related to matters not under BSEA jurisdiction, such as RICO claims and "Federal Civil Rights Statutes." *In Re:Greater New Bedford Regional Voc. Tech. (Ruling on Motions)*, 19 MSER 297 (2013).

Hearing Officer Rosa I. Figueroa ruled that a Parent from an undisclosed school district could proceed with claims of fraudulent MCAS assistance if she was able to prove that the district withheld required information that would have allowed her to file a timely claim. She further ruled that Parental claims under G.L. c. 69, Section 1, would have to be dismissed because that statute does not provide for a private cause of action. In contrast, civil-rights claims under Section 1983 could be heard by the BSEA in order to meet the administrative-exhaustion requirement, even though BSEA lacks jurisdiction to fashion any kind of remedy to these civil-rights violations. Conversely, the Hearing Officer found that BSEA lacked jurisdiction to hear fraud claims arising pursuant to 18 USC Sections 1341 and 1343, and dismissed as nonjusticiable any private right of action under the Massachusetts Constitutional Amendment Article 114. Finally, the Hearing Officer declined to engage in fact-finding on behalf of non-IDEA or Section 504 claims raised by the Parent in order to support claims for a money judgment in a court of competent jurisdiction. *In Re:Maple School District (Ruling on Maple School District's Motion to Dismiss)*, 19 MSER 64 (2013).

**Class Actions**

Hearing Officer dismissed a part of a hearing request seeking certification of a class of all special education-eligible students residing in institutions and requiring DESE to implement changes to its policies and procedures. An 18-year old student, who had been hospitalized shortly after moving from New Jersey to Chicopee, had sought the certification of a class as part of a hearing request alleging that he had been denied FAPE while hospitalized. *In Re:Chicopee Public Schools (Ruling on Motions to Dismiss of Mass. Dept. of Elementary and Secondary Education and Chicopee Public Schools)*, 23 MSER 1 (2017).

The BSEA granted the Springfield Public Schools' Motion to Dismiss a Parent's claims for similarly situated students in the form of a class action since BSEA jurisdiction is limited to hearing appeals involving individual students. *In Re:Springfield Public Schools (Ruling on Springfield Public Schools' Motion to Dismiss)*, 19 MSER 294 (2013).

**Collaborative Programs**

The Stoneham Public Schools filed a hearing request for approval of an IEP that called for the placement of a Student at the SEEM Collaborative where the Parents refused to cooperate with school officials and would not provide IEP consent. The PQA division of the Massachusetts DESE has instructed school districts to decrease the attendance of Students placed in collaborative programs who lack an accepted IEP and so here the school

district required a BSEA finding that the proposed IEP was appropriate in lieu of parental acceptance. *In Re:Stoneham Public Schools (Decision)*, 19 MSER 287 (2013).

**Compliance with BSEA Orders and Decisions**

On a motion for compliance filed by the Guild for Human Services, Inc., the Hearing Officer ruled that although the district was not responsible for the cost of a 1:1 aide for the Student, or the peer he had threatened during the school day, it was responsible for the cost of a 1:1 aide for the hours outside of the school day and for the cost of one hotel room for the peer and his 1:1 aide. There had been no showing that either the Student or the peer required a 1:1 aide during the school day. The Guild had been previously determined to be the Student's stay-put residential placement while a new placement was being sought. This determination necessitated the Guild's placement of the Student's peer in a hotel to prevent any further aggressive episodes between the two. *In Re:Framingham Public Schools (Ruling on the Guild for Human Services, Inc.'s Motion for Compliance)*, 24 MSER 286 (2018).

On Parents' motion for compliance with a BSEA order to reimburse them for an Independent Educational Evaluation performed at Children's Hospital, the Hearing Officer held that Shrewsbury was responsible for the Parents' full out-of-pocket costs rather than the state-contracted rate as argued by the district. Since Shrewsbury had refused to arrange for and fund the evaluation in the first instance, it was obligated to cover the higher rate charged to the Parents and was ordered to pay them the \$690.24 difference. *In Re:Shrewsbury Public Schools (Ruling on Parents' Motion For Compliance)*, 22 MSER 73 (2016).

On Parents' motion seeking compliance with a BSEA order requiring the Barnstable Public Schools to pay their expenses for the unilateral placement of their child at Franklin Academy, Hearing Officer Sara Berman rejected the bulk of their request for \$76,460 in non-tuition expenses, including a request for interest and travel costs associated with litigation. Dismissing claims for expenses related to counseling and parental training, as well as for intersession trips to the Grand Canyon and Hawaii, the Hearing Officer ordered reimbursement of \$4,715 in expenses for transportation, electronic equipment, and a graduation capstone project. BSEA had no legal authority to reimburse for travel costs associated with an appeal or for any interest. *In Re:Barnstable Public Schools (Ruling on Motion to Order Compliance with Decision)*, 21 MSER 18 (2015).

Parents' motion for compliance was denied where school district had tried to comply with an order to provide a 15-year old Student with assistive technology services and speech/language therapy, but where Parents had insisted that the therapy be provided on-site at Student's parochial school and had rejected the district's plan to provide transportation to Crest Collaborative where services would be provided during his free periods. *In Re:Tewksbury Public Schools (Ruling on Parents' Motion for Compliance with BSEA Decision)*, 20 MSER 251 (2014).

In a third decision involving a Parent's challenge to an IEP developed by the Pembroke Public Schools for a Student with dyslexia, Hearing Officer Lindsay Byrne found that Pembroke had complied with earlier decisions of the BSEA by developing an amended IEP that provided Lindamood instruction over the summer and a reading fluency program during the school year which resulted in the Student passing the English Language Arts MCAS in spring 2014. *In Re:Pembroke Public Schools (Decision)*, 20 MSER 235 (2014).

In a compliance proceeding launched by Parents unhappy with their son's required use of a hip-stabilizing belt while feeding at school, Hearing Officer William Crane found that the physician's order requiring the use of the belt was adequate to meet DESE regulations governing restraints and that it did not need to provide any further details justifying the use of the



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belt or elaborate on the exact manner and duration of the restraint. *In Re:Norwood Public Schools (Ruling on Parents' Motion for Compliance)*, 17 MSER 226 (2011).

Hearing Officer William Crane found that the Norwood Public Schools had substantially complied with a 2008 BSEA decision ordering home-based services for a blind student, finding the LEA had put in place an excellent service provider with highly competent supervision and continued to seek methods of teaching the Mother effective strategies for working with the Student's difficult behaviors at home. Although the previous decision required these services three times a week, the Hearing Officer declined to order more than once per week since this was all the Mother wanted. The BSEA also ruled that Norwood had complied with the decision regarding school-based services by enrolling the Student in the LEAD program at the Savage Education Center, where his behavior has been trouble-free. The Hearing Officer nevertheless found troubling the school's inability to find effective ways to work with Student's behavior at home and urged it to continue working with the Mother. *In Re:Norwood Public Schools (Compliance Decision)*, 15 MSER 135 (2009).

The federal appeal filed by the Chicopee Public Schools did not relieve it of the responsibility to comply immediately with the Hearing Officer's order for reimbursement for a unilateral placement and financial responsibility for ongoing transportation and tuition charges at the White Oak School. *In Re:Chicopee Public Schools (Ruling on Motion)*, 10 MSER 276 (2004).

### Contracts

Hearing Officer Sara Berman granted the Milford Public Schools' motion to dismiss a hearing request filed by Parents of a teenager with a traumatic brain injury who were seeking to alter the terms of a settlement agreement regarding his placement upon return from an out-of-state wilderness program. The settlement agreement had explicitly provided that Milford was under no obligation to convene the Team or provide any special education services "unless and until" their 17-year old son was discharged from the program and returned to Massachusetts for evaluation. The Hearing Officer ruled that the BSEA does not retain subject matter jurisdiction over contract law disputes and noted that the dismissal was without prejudice to the Parents' right to file a future claim grounded in violations of federal and state special education laws. *In Re:Milford Public Schools (Ruling on Milford Public Schools' Motion to Dismiss)*, 21 MSER 219 (2015).

Hearing Officer Lindsay Byrne found that a regional school district's claim for third-party reimbursement from its K-6 public-school district for any potential cost arising from a student's unilateral placement, claimed by the regional school district to be caused by the elementary school's failure to provide FAPE, was nonjusticiable before the BSEA because this unusual claim sounded either in contract or in tort and, in any event, was not provided for under the IDEA or Chapter 71B, which looks to compensatory relief in such situations. *In Re:Masconomet Regional School District (Ruling on the Motion of Middleton Public Schools to Dismiss)*, 13 MSER 363 (2007).

Hearing Officer Rosa I. Figueroa found that the BSEA lacked jurisdiction to hear a dispute between the Dracut Public Schools and a service provider, Melmark, Inc., as to financial responsibility for one-to-one services under a Monitoring and Placement Agreement for a child with serious special needs in a residential placement. *In Re:Dracut Public Schools (Ruling on Dracut Public Schools' Motion to Dismiss and Melmark, Inc.'s Objection to Dracut Public Schools' Motion to Dismiss)*, 13 MSER 43 (2007).

Hearing Officer Rosa I. Figueroa ruled that the BSEA lacked jurisdiction to adjudicate a case between parents and the Dedham Public Schools since the issue was whether a valid oral contract had been made between

the parties, and the BSEA lacks jurisdiction over contractual disputes. *In Re:Dedham Public Schools (Ruling on Dedham's Motion to Stay the Administrative Proceedings and Parents' Response)*, 11 MSER 155 (2005).

Where Martha's Vineyard parents had agreed to copay one-sixth of the placement costs at the F. L. Chamberlain School, BSEA lacked subject-matter jurisdiction to review the enforceability of an oral settlement agreement since the agency cannot adjudicate contract disputes. *In Re:Timothy W. (Ruling on Motion to Dismiss)*, 2 MSER 213 (1996).

### Copying Fees

BSEA Hearing Officer William Crane declined to take jurisdiction to review a Parental claim that copying fees charged by the LEA for student records were excessive, pointing out BSEA jurisdiction is limited and that the issue is already governed by state regular-education regulations regarding school records. *In Re:Uxbridge School District (Decision)*, 16 MSER 388 (2010).

### Criminal Proceedings

BSEA lacked jurisdiction to order the withdrawal of juvenile-delinquency charges against a violent 11-year-old with a 502.4 behavioral program at the Dennis-Yarmouth school. *In Re:Dennis-Yarmouth Regional School District (Ruling)*, 4 MSER 25 (1998).

Hearing Officer Joan Beron ruled that BSEA lacked jurisdiction to order the withdrawal of criminal proceedings against a violent student. *In Re:Taunton Public Schools (Ruling)*, 4 MSER 1 (1998).

### Department of Children and Families (DCF)

Where Student was not, and had never had been, a client of the Department of Children and Families, the Hearing Officer rejected a district's motion for joinder. As a result of an interim policy, the agency had been involved in funding an out-of-home placement but had no other involvement with the child. Parents had filed a hearing request seeking a residential placement for their 16-year-old son with autism, disruptive mood dysregulation disorder, and epilepsy and were seeking a residential placement for him after he had been hospitalized and placed in a residential facility for a 45-day evaluation. *In Re:Middleborough Public Schools (Ruling on Middleborough Public Schools' Motion to Join the Department of Developmental Services and the Department of Children and Families)*, 25 MSER 114 (2019).

Hearing Officer allowed a district's motion to join DCF to Parents' hearing request. Parents were seeking a residential therapeutic placement for their 10-year-old son with bipolar disorder who was about to be discharged from an acute treatment program as insurance funding was running out. Parents had a Child Requiring Assistance Petition pending in the Juvenile Court which could result in DCF taking custody. *In Re:Falmouth Public Schools (Ruling on Falmouth Public Schools' Motion to Join the Department of Children and Families and the Department of Mental Health)*, 25 MSER 64 (2019).

Hearing Officer Amy M. Reichbach allowed the New Bedford Public Schools' motion to join DCF to the hearing request filed by Parents seeking a residential placement for their 17-year-old son diagnosed with Reactive Attachment Disorder and Borderline Personality Disorder. Parents sought a residential placement after the Team had determined the Student was ineligible for special education services and DCF requested he be placed in a group home and attend public school within the district. At the time of the ruling, DCF had taken temporary custody of the teenager and the Hearing Officer determined that it was too early to tell if the district alone will be able to provide complete relief if a residential placement is required. *In Re:New Bedford Public Schools (Ruling on New Bedford Public Schools' Motion to Join the Massachusetts Department of Children and Families)*, 25 MSER 7 (2019).



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Concluding that it was too early to determine whether the district alone could provide complete relief, the Hearing Officer allowed the Norwood Public Schools' motion for joinder of the Department of Children and Families in a request for hearing filed by a Parent who had rejected a proposed in-district placement for her 10-year old son. After DCF removed the child from his home, he had been placed at the May Institute where the Parent wished him to remain. *In Re:Norwood Public Schools (Ruling on Norwood Public Schools' Motion to Join the Massachusetts Department of Children and Families)*, 23 MSER 169 (2017).

The Department of Children and Families was required to respond to a subpoena issued by the Worcester Public Schools seeking information relevant to a residency dispute with the Fitchburg Public Schools. The Hearing Officer rejected the agency's argument that an order of a Superior Court judge was required for the release of DCF records. The Hearing Officer did, however, issue a protective order preventing the release of information that is statutorily protected under the law. *In Re:Worcester Public Schools (Ruling on the Department of Children and Families' Motion to Vacate Subpoena Duces Tecum)*, 23 MSER 140 (2017).

Where DCF had no current involvement with the family and the relief sought by the Parent could be granted without the agency as a party, the Hearing Officer denied Parent's motion to join DCF as a party to a hearing request seeking an out-of-district placement for her child. Parent had asserted that the district, along with DCF, had acted jointly in depriving her daughter of her special education rights and had engaged in discrimination, retaliation, and other unlawful activities. The Hearing Officer found that even if the allegations were proven, they did not state a claim for which the BSEA could grant relief against DCF. *In Re:Natick Public Schools (Ruling on Motion of Parent to Join the Department of Children and Families as a Necessary Party)*, 22 MSER 159 (2016).

Hearing Officer denied DCF's motion to be dismissed as a party in a hearing request filed by Parents seeking a six-month residential placement to decrease their daughter's chronic stress. While the child was not currently in the care or custody of the agency, it had a significant relationship with her as she and her family were currently receiving services under a Treatment Plan Document. The existence of the Treatment Plan established enough of a relationship to allow the BSEA to order non-residential services, consistent with DCF's rules and regulations, should they be necessary for the child to receive FAPE. *In Re:North Middlesex Regional School District (Ruling on the Department of Children and Families' Motion to be Dismissed as a Party)*, 22 MSER 156 (2016).

DCF was not a necessary party to a hearing request seeking a therapeutic residential placement for a 12-year old boy with an autism spectrum disorder and a history of recent psychiatric hospitalizations. The Hearing Officer had previously allowed an earlier motion filed by DCF to dismiss itself as a party and found no reason to alter her conclusion after the agency had denied Parents' second request and had not appealed its decision. *In Re:Westford Public Schools (Ruling on Parents' Motion to Join Department of Children and Families and Department of Mental Health's Motion to Dismiss Itself as a Party)*, 22 MSER 129 (2016).

Where the child was not in the care and custody of the Department of Children and Families, it was not a necessary party to a hearing request seeking a residential placement for a 12-year old boy who had been subject to multiple, recent psychiatric evaluations. *In Re:Westford Public Schools (Ruling on Motions of Department of Children and Families, Department of Developmental Services, and Department of Mental Health to Dismiss Themselves as Parties)*, 22 MSER 77 (2016).

Parents' claim that the Taunton School Superintendent allowed staff to threaten, harass, and file false complaints with DCF against Parents and the Student was outside the purview of BSEA jurisdiction and would have to be addressed by DCF itself or Superior Court. *In Re:Taunton Public Schools (Ruling on Taunton's Motion to Dismiss)*, 19 MSER 30 (2013).

**Department of Developmental Services (Formerly DMR)**

On a motion filed by the Middleborough Public Schools to join DDS to a hearing request, Hearing Officer Rosa I. Figueroa found that DDS was a necessary party and allowed the district's motion. The Parents of a 16-year-old boy with autism, disruptive mood dysregulation disorder, and epilepsy had filed a hearing request seeking a residential placement for him after he had been hospitalized and placed in a residential facility for a 45-day evaluation. DDS had facilitated his placement at the program and provided in-home supports to him upon his return to a day program at public school. The district was able to show that DDS could be found responsible to continue offering in-home supports or to provide a residential placement. *In Re:Middleborough Public Schools (Ruling on Middleborough Public Schools' Motion to Join the Department of Developmental Services and the Department of Children and Families)*, 25 MSER 114 (2019).

Hearing Officer granted a district's motion for joinder in a hearing request filed by Parents who were seeking a residential placement for their son. Where the sole question before the BSEA related to the services needed for a 21-year old student with PDD/NOS and bipolar disorder to access a FAPE, the district was able to make a preliminary showing that DDS could be found responsible for some additional home supports in the event that a residential placement was not required in order for him to receive a FAPE. *In Re:Acton-Boxborough Regional School District (Ruling on Acton-Boxborough Regional School District's Motion to Join the Department of Developmental Services and Parents' Request for Postponement of Hearing)*, 23 MSER 99 (2017).

BSEA had no jurisdiction over the Department of Developmental Services such that it could order it to engage in a cost sharing arrangement for a potential residential placement for a 17-year old girl with Autism, Down Syndrome, and other disabilities. Where DDS regulations specifically prohibit it from funding residential placements for individuals eligible for services from the local school district, the Hearing Officer rejected the district's motion to join the agency despite its ongoing involvement with the family. *In Re:Boston Public Schools (Ruling on Boston Public Schools' Motion for Joinder)*, 22 MSER 239 (2016).

The Department of Developmental Services was a proper party to a hearing request filed by Parents seeking a residential placement for their 12-year old son who had been subject to multiple, recent psychiatric hospitalizations. DDS was currently providing family support services and the Hearing Officer determined that it could be found responsible for home support if a residential placement was not ordered. *In Re:Westford Public Schools (Ruling on Motions of Department of Children and Families, Department of Developmental Services, and Department of Mental Health to Dismiss Themselves as Parties)*, 22 MSER 77 (2016).

In the case of a Westborough 13-year-old with significant delays in all areas of functioning for whom the Parents sought a residential placement, Hearing Officer Raymond Oliver declined to order the joinder of the Massachusetts Department of Developmental Services (formerly DMR) where it would have served no purpose given the fact that the Student would not be eligible for DDS residential services until he reached 18 years of age. *In Re:Westborough Public Schools (Ruling on Parent's Motion to Join the Mass. Dept of Dev. Services)*, 17 MSER 75 (2011).

Citing insufficient documentation, Hearing Officer Lindsay Byrne declined to order joinder of DMH or DMR in the case of a child with complex disabilities and educational needs who required at-home and wrap-around services to benefit from a day placement. The Hearing Officer continued the hearing pending receipt of further information concerning the family's applications for DMR and DMH services. *In Re:Ware Public Schools (Ruling on Motion to Join)*, 11 MSER 140 (2005).

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A 12-year-old with complex educational needs attending a therapeutic educational program and requiring at-home services to continue in his current day placement could not compel the joinder of DMH or DMR because there was no evidence presented that either agency would be obligated under its own regulations to provide any services to the student. *In Re: Ware Public Schools (Ruling on the School's Motion to Join DMH and DMR)*, 11 MSER 137 (2005).

In a case of first impression, Hearing Officer William Crane ruled that "Section 162," as it amends Chapter 71B, §3, authorized the BSEA to order the Department of Mental Retardation to provide residential services to a 19-year-old Medford student with low IQ and mild mental retardation since the denial of these services condemned her to residency in a psychiatric hospital where she was unable to attend her special-education program. *In Re: Medford Public Schools (Decision)*, 7 MSER 75 (2001).

### **Department of Mental Health**

Hearing Officer found that the BSEA had no jurisdiction to order the joinder of the Department of Mental Health where the agency had previously determined that a 14-year-old girl with a history of psychiatric hospitalizations was not eligible for services. The district had sought the agency's joinder to a Parent's hearing request seeking a residential placement at a Justice Resource Institute facility for her 14-year-old daughter. The teenager had been participating in a DMH therapeutic afterschool program and the Hearing Officer ruled that this did not establish jurisdiction in the absence of eligibility. *In Re: Middleborough Public Schools (Ruling on Middleborough Public Schools' Motion to Join the Department of Mental Health)*, 25 MSER 138 (2019).

Hearing Officer Amy M. Reichbach denied a motion to join DMH to Parents' hearing request seeking a residential therapeutic placement for their 10-year-old son with bipolar disorder. The child was in an acute treatment program and was about to be discharged as insurance funding was running out. In rejecting the joinder of DMH, the Hearing Officer relied on its determination that the child did not meet its eligibility criteria and held that the BSEA did not have jurisdiction to overturn a final decision of the agency. *In Re: Falmouth Public Schools (Ruling on Falmouth Public Schools' Motion to Join the Department of Children and Families and the Department of Mental Health)*, 25 MSER 64 (2019).

Over the objection of DMH, Hearing Officer granted a district's motion to join the agency to a hearing request filed by Parents of a 14-year-old girl seeking a therapeutic residential placement for their daughter. The teenager was about to be discharged from a community based acute treatment program at Franciscan Hospital and Parents had recently signed a consent for DMH services. The Hearing Officer found that the limited record supported the position of the district and the Parents that the teenager would not be able to access special education services without intensely therapeutic residential supports. *In Re: Nashoba Regional School District (Ruling on School's Motion to Join the Department of Mental Health)*, 25 MSER 32 (2019).

While the Parents' appeal of DMH's ineligibility determination remained pending, the Hearing Officer ruled that it was beyond the scope of her authority to take issue with the agency's decision that their 15-year old daughter did not meet its eligibility criteria due to a 2013 determination that she was on the autism spectrum, despite persuasive evidence to the contrary. The teenager had been hospitalized in a locked psychiatric unit since before the start of the last school year and her recent diagnoses included severe anxiety, a restrictive eating disorder, expressive and receptive language disorder, borderline intellectual functioning, and a developmental trauma disorder. The Hearing Officer ordered that the district immediately issue referral packets to appropriate therapeutic residential programs that would provide the services the teenager needed in order to receive a FAPE. *In Re: Boston Public Schools (Decision)*, 23 MSER 59 (2017).

Hearing Officer denied without prejudice DMH's request to dismiss itself as a party to a hearing request seeking a therapeutic residential placement for a 12-year old boy with an autism spectrum disorder and a history of recent psychiatric hospitalizations. Although DMH had found the child ineligible for services, it must remain a party while the Parents' appeal of its decision was pending. *In Re: Westford Public Schools (Ruling on Parents' Motion to Join Department of Children and Families and Department of Mental Health's Motion to Dismiss Itself as a Party)*, 22 MSER 129 (2016).

The Department of Mental Health was a proper party to a hearing request filed by Parents seeking a residential placement for their 12-year old son who had been subject to multiple, recent psychiatric hospitalizations. His application to DMH was pending and the agency could be responsible if the BSEA were to find that he requires home supports or a residential placement for non-educational reasons. *In Re: Westford Public Schools (Ruling on Motions of Department of Children and Families, Department of Developmental Services, and Department of Mental Health to Dismiss Themselves as Parties)*, 22 MSER 77 (2016).

Hearing Officer granted regional school district's motion to join DMH as a necessary party to an appeal where Student had been found eligible for DMH services and where it was shown that her participation in educational services could be improved with more intensive therapeutic support from DMH. DMH unsuccessfully argued that joinder was not necessary where it was already providing the most robust set of wrap-around services currently available and that the BSEA could not order a different level of clinical intervention. The Hearing Officer found nothing in the Chapter 71B or the regulations that limited the BSEA's ability to determine the scope of public agency services necessary to ensure a child's access to FAPE. *In Re: Berkshire Hills Regional School District (Ruling on School Motion to Join Department of Mental Health)*, 22 MSER 45 (2016).

A district's motion to join the Department of Mental Health was premature, where the Student, who was in pre-trial detention after an arrest, had not been authorized for DMH services and no determination had been made as to what services were needed to provide him with FAPE. The Hearing Officer bifurcated the proceeding to ascertain the extent of the district's educational responsibility first, allowing the Parent to renew the request to join DMH, or any other party, if it was determined that the district was not responsible for the residential portion of the placement. *In Re: Boston Public Schools (Ruling on Boston Public Schools' Motion to Join the Department of Mental Health)*, 21 MSER 197 (2015).

On Parents' emergency motion for stay put, Hearing Officer Lindsay Byrne held that although the BSEA had the authority to direct DMH to maintain Student's placement in a therapeutic group home while a hearing request was pending, she declined to order DMH to place the Student in a group home comparable to the one that she had been precipitously discharged from the summer before the hearing request. The Hearing Officer found that there was no evidence that her current therapeutic residential placement interfered with her ability to benefit and receive FAPE from the private day school she was attending pursuant to her existing IEP. *In Re: Quincy Public Schools and the Department of Mental Health (Ruling on Parents' Motion For "Stay Put")*, 20 MSER 229 (2014).

Citing insufficient documentation, Hearing Officer Lindsay Byrne declined to order joinder of DMH or DMR in the case of a child with complex disabilities and educational needs who required at-home and wrap-around services to benefit from a day placement. The Hearing Officer continued the hearing pending receipt of further information concerning the family's applications for DMR and DMH services. *In Re: Ware Public Schools (Ruling on Motion to Join)*, 11 MSER 140 (2005).



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A 12-year-old with complex educational needs attending a therapeutic educational program and requiring at-home services to continue in his current day placement could not compel the joinder of DMH or DMR because there was no evidence presented that either agency would be obligated under its own regulations to provide any services to the student. *In Re: Ware Public Schools (Ruling on the School's Motion to Join DMH and DMR)*, 11 MSER 137 (2005).

Hearing Officer Lindsay Byrne ruled that the joinder of the Department of Mental Health in a special-education dispute was unnecessary where the student sought only to achieve the implementation of services to which the Burlington schools had already agreed. *In Re: Burlington Public Schools (Ruling on Motion to Join)*, 7 MSER 112 (2001).

**Department of Social Services**

Hearing Officer Joan D. Beron declined to grant a motion from parents seeking an order requiring the Brockton Public Schools to fund the cost of a residential placement for their daughter in the event that DSS declined to do so, where insufficient evidence was introduced to establish that DSS would not fund the placement for this student or that it intended to terminate custody. Brockton's motion to dismiss the appeal was granted since the Hearing Officer determined the issues were not ripe for adjudication given the lack of evidence as to DSS intentions. *In Re: Brockton Public Schools (Ruling on Parents' Motion for Summary Judgment and Brockton's Cross Motion for Summary Decision)*, 13 MSER 349 (2007).

Where DSS had temporary custody of two students and had voluntarily placed them at the Walker Home and School, DSS regulations explicitly provide that parents must sign a Voluntary Placement Agreement in order to receive voluntary services there. The BSEA lacked jurisdiction to challenge this requirement since the BSEA statutory grant of authority relevant to DSS makes clear that any BSEA order must be consistent with DSS regulations. Accordingly, Hearing Officer William Crane dismissed the parents' hearing requests and granted DSS's motions to dismiss. *In Re: Brockton Public Schools (Ruling on Motions to Dismiss)*, 13 MSER 147 (2007).

**Division of Youth Services**

An agreement between the Boston Public Schools and the Parents of a 16-year old boy requiring that the district provide him with a private therapeutic day placement did not preclude the Parents' entitlement to a hearing as to a residential placement. Hearing Officer Rosa I. Figueroa denied the district's motion to dismiss where the teenager's educational circumstances and needs had changed since his arrest and placement in a DYS pre-detention facility. *In Re: Boston Public Schools (Ruling on Boston Public Schools' Motion to Dismiss)*, 21 MSER 193 (2015).

Principles of "Stay-Put" were inapplicable in the case of a Student not currently available for enrollment in his residential placement due to his having been committed by a court to a DYC juvenile-justice facility. Moreover, the BSEA lacked jurisdiction to modify a court order placing the juvenile in that facility. *In Re: Brockton Public Schools (Ruling on Parent's Motion for a "Stay-Put")*, 17 MSER 73 (2011).

Motion by the City of Worcester to dismiss parent request for a hearing based on lack of BSEA jurisdiction denied where Hearing Officer Jackie Belf-Becker found that Worcester would be responsible for the student while he was in DYS custody because his parents continued to reside in that city. *In Re: Tex N. (Ruling on Motion to Dismiss)*, 3 MSER 10 (1997).

**Educational Custody**

Hearing Officer Joan Beron referred divorced parents' dispute regarding their child's education program to a court of competent jurisdiction, requiring them to send any agreements or educational-custody orders to the BSEA. *In Re: Naomi D. (Ruling)*, 3 MSER 21 (1997).

**Educational Malpractice**

BSEA lacked jurisdiction to adjudicate parental assertions of educational malpractice against the Groton/Dunstable Regional School District. *In Re: Inessa R. (Ruling on Motion to Dismiss)*, 2 MSER 1 (1996).

**Family Educational Rights and Privacy Act (FERPA)**

Hearing Officer denied district's motion for a protective order seeking to block Parents' discovery request with respect to proposed peers' IEPs but allowed its motion with respect to the release of individual behavior plans, grades, cognitive testing results, and scores that were not otherwise incorporated in the IEPs. The district was unsuccessful in arguing that the redaction of personally identifying information would not prevent linkage to specific students and that students' privacy could be compromised by discussion of profiles at hearing or in a publicly-available decision in violation of FERPA. *In Re: Andover Public Schools (Ruling on Andover Public Schools' Motion for a Protective Order)*, 23 MSER 55 (2017).

Taunton Parents' hearing request raising school-safety issues, harassment by school officials, and the LEA's refusal to respond to requests for information had all been previously addressed by a 2011 BSEA decision or were outside BSEA jurisdiction. Specifically, the Parents' request for information under the Family Educational Rights and Privacy Act was beyond BSEA purview and would have to be pursued through the public-records law or brought before the Superintendent. *In Re: Taunton Public Schools (Ruling on Taunton's Motion to Dismiss)*, 19 MSER 30 (2013).

**Federal Appeal**

On a school district's motion to dismiss, the Hearing Officer ruled that the matter should continue in "off-calendar" status until such time as the federal appeal had been decided or the time for filing it had expired. The appeal would determine the critical issue of whether the Student had IDEA status during her final year in school and the effect of such status post-graduation. *In Re: Pentucket Regional School District (Ruling on School's Motion to Dismiss)*, 22 MSER 29 (2016).

On remand from federal district court, Hearing Officer Rosa I. Figueroa ruled that the record supported the Pentucket Regional School District's denial of special education eligibility where a high school student had passed the MCAS without accommodations, achieved SAT scores above the median for Massachusetts college-bound seniors, and completed all requirements for a high school diploma. Denying a request for compensatory relief in the form of tuition for Landmark College for the 2012-2013 school year, the Hearing Officer found that Pentucket had not violated child find requirements or failed to provide Parent with copies of the procedural safeguards. Neither the Student nor the Parent participated in the hearing on remand, despite what the Hearing Officer termed "extraordinary efforts to notify and involve Student/Parent in the Hearing process." *In Re: Pentucket Regional School District (Decision II)*, 21 MSER 222 (2015).

On remand from the federal district court, Hearing Officer Rosa I. Figueroa issued a decision in a bifurcated matter holding that a settlement agreement was intended as a settlement of all of Parent's claims against the Pentucket Regional School District and was not limited to the claim for reimbursement for an independent evaluation. In anticipation of the hearing on the Student's own claims that were not waived by the agreement, the Hearing Officer determined that the 20-year old high school graduate's claims had been preserved back to the date of Parent's original hearing request, even though she had not reached the age of majority at the time the request was filed. The Hearing Officer also held that the statute of limitations barred allegations asserting that the district had committed procedural violations and had failed to comply with child-find requirements. The Hearing Officer's order limited the upcoming hearing to the Student's challenge to the district's finding of no eligibility and her

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request for funding for post-graduation placement at Landmark College. *In Re: Pentucket Regional School District (Decision)*, 21 MSER 87 (2015).

Hearing Officer William Crane declined to issue a stay of BSEA proceedings while Boston pursued an appeal in federal court of an interlocutory BSEA ruling where the collateral-order doctrine was inapplicable and no irreparable harm could be shown to the parties. *In Re: Boston Public Schools (Ruling on Request to Delay Administrative Proceedings)*, 11 MSER 32 (2005).

### Guardianships

BSEA ruling finds the agency to have jurisdiction to determine that the residency of the guardian establishes the responsible community in the case of an adult guardianship for which neither Longmeadow nor Springfield neither reflected tutoring services nor included an impairment that would result in missing school could be determinative of whether the tutoring claim fell under BSEA jurisdiction. *In Re: Longmeadow Public Schools (Ruling on Motions)*, 6 MSER 29 (2000).

### Home Tutoring

Hearing Officer William Crane declined on jurisdictional grounds to grant the Randolph Public Schools' motion to dismiss a parental appeal seeking home-tutoring services, finding that the fact that the student's IEP neither reflected tutoring services nor included an impairment that would result in missing school could be determinative of whether the tutoring claim fell under BSEA jurisdiction. *In Re: Randolph Public Schools (Ruling on Motion to Dismiss or Summary Decision)*, 13 MSER 355 (2007).

### Homelessness

The BSEA lacked jurisdiction to resolve a financial-responsibility dispute between Somerset and Fall River in the case of a student deemed homeless and living in a foster home in Fall River. Such disputes are resolved under the McKinney-Vento Homeless Education Act by the DESE, and Somerset was counseled by the Hearing Officer to resolve the issue via the DESE McKinney-Vento dispute-resolution process. *In Re: Somerset Public Schools (Decision Based on Written Submissions)*, 16 MSER 199 (2010).

### Hospitals

Hearing Officer Raymond Oliver declined to order joinder of DSS, DMH, DOE, or Hampstead Hospital in a residential-placement dispute between the Lowell Public Schools and the parents of 13-year-old presenting with Pervasive Developmental Disorder since complete relief in the form of a residential placement could be provided without the involvement of state agencies. With respect to Hampstead Hospital, the Hearing Officer noted the absence of any legal basis for BSEA to exert jurisdiction over a private hospital. *In Re: Lowell Public Schools (Decision on Joinder Motions of Lowell Public Schools)*, 9 MSER 52 (2003).

### Interim Placements

BSEA Hearing Officer Sandra W. Sherwood found the district of residence, not the vocational school, responsible for funding an interim residential safety placement where issue was unclear under 766 regulations and precedent, but the MDOE had so ruled. *In Re: Bellingham Public Schools & Tri-County Regional Vocational Technical School District (Ruling on Parents' Motion for an Emergency Placement, and on Bellingham Public Schools' Motion to Dismiss)*, 4 MSER 6 (1998).

### Lost Wages

A father's claim for reimbursement for lost wages due to time spent researching and developing an alternative educational program for his child was not justiciable before the BSEA absent any legal authority supporting such a claim. *In Re: Natick Public Schools (Motion to Dismiss)*, 16 MSER 457 (2010).

### MCAD

Hearing Officer granted Walpole's motion to dismiss with respect to a hearing request filed by Parents who had disagreed with an earlier decision, issued by a different hearing officer, which found that the district's proposed placement of their son at the BICO Collaborative was appropriate. The Hearing Officer ruled that the decision was not subject to further agency review and that the claims of racial discrimination made by the Parents were beyond the jurisdiction of the BSEA. *In Re: Walpole Public Schools (Ruling on Walpole's Motion to Dismiss)*, 22 MSER 199 (2016).

A Parent's motion to dismiss an LEA's appeal seeking a determination about the necessity of a service animal for a Student based on an order from an MCAD Investigating Commissioner enjoining the LEA from pursuing BSEA determinations regarding reasonable accommodations was denied by Hearing Officer Lyndsay Byrne, who noted BSEA's exclusive jurisdiction to consider special-education claims and the concurrent lack of jurisdiction of MCAD to do so. *In Re: Chicopee Public Schools (Ruling on Parent's Motion to Dismiss)*, 14 MSER 406 (2008).

### Mediation

Hearing Officer Rosa I. Figueroa found that the BSEA lacked jurisdiction to enforce the mediation and settlement agreements entered into between the LEA and Lincoln-Sudbury Parents. *In Re: Lincoln-Sudbury Regional School District (Ruling on Motion to Dismiss Parents' Due Process Complaint)*, 16 MSER 424 (2010).

Hearing Officer Raymond Oliver dismissed with prejudice a parental hearing request because the parties had already entered into a binding, legally enforceable mediation agreement supervised by a highly trained BSEA mediator that precluded them from relitigating the same claims before the BSEA. *In Re: Masconomet Regional School District (Ruling on School's Motion to Dismiss Parents' Appeal)*, 16 MSER 408 (2010).

In a case marked by bitter contention between school officials and the mother of a six-year-old Student presenting with multiple disabilities, including global developmental delays, Hearing Officer Sara Berman declined to appoint an Educational Surrogate Parent or order mediation, pointing out the IDEA's requirement that the mediation be voluntary. *In Re: Ludlow Public Schools (Decision)*, 15 MSER 1 (2009).

### MIAA

BSEA did not have jurisdiction to hear a special-education student's dispute with the Massachusetts Interscholastic Athletic Association where there existed no independent cause of action against the local educational agency. *In Re: Andover Public Schools (Ruling on School's Motion to Dismiss and on Student's Motion to Join the Massachusetts Interscholastic Athletic Association As a Party)*, 4 MSER 9 (1998).

### Monetary Damages

Hearing Officer William Crane dismissed special-education claims appearing in Parents' hearing request since the parties had agreed to provide the Student with a residential educational placement. With respect to Parents' claims for damages arising from the rape of her child by an employee of the school district, the Hearing Officer found that the Parents had alleged sufficient facts to make out a claim for relief under IDEA's "child find" protections and under Section 504. In addition, Hearing Officer Crane also found that under IDEA and Section 504's requirement for exhaustion of remedies, he was obligated to make findings of fact regarding Parents' damages claims for the purpose of assisting a court to determine what damages should be awarded. BSEA declined to read the IDEA's exhaustion requirements and BSEA's fact-finding role to include Students' claims under state tort laws, Section 1983, Title IX, the ADA, or the Massachusetts Civil Rights Act since these were beyond the agency's knowledge and expertise. *In Re: CBDE Public Schools (Ruling on CBDE Public Schools' Motion to Dismiss)*, 17 MSER 43 (2011).



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Hearing Officer Lindsay Byrne denied an LEA Motion to Dismiss a Parent's appeal on the grounds that it sought monetary damages that the BSEA lacked jurisdiction to grant. The Hearing Officer noted that the BSEA is charged with determining the facts surrounding any claim of educational and procedural deprivation under IDEA or Section 504 that might later be the basis for seeking monetary damages in a law court. *In Re: Taunton Public Schools (Ruling on School Motion to Dismiss)*, 16 MSER 288 (2010).

Hearing Officer William Crane denied Mashpee Parents' request for a determination of monetary damages in a teacher-abuse case given the long-standing lack of BSEA jurisdiction over monetary damages. *In Re: Mashpee Public Schools (Rulings on Motion to Consolidate)*, 14 MSER 143 (2008).

Consistent with a prior BSEA ruling, Hearing Officer William Crane granted a Boston Latin School's motion to dismiss the claim of a student for monetary damages where the student, suffering from Crohn's disease, was eligible for services under Section 504 of the Rehabilitation Act and BSEA lacks the authority to award monetary damages under Section 504. *In Re: Boston Public Schools (Ruling on Motion to Dismiss)*, 13 MSER 68 (2007).

Even though the Bureau could not award damages, Hearing Officer Catherine M. Putney-Yaceshyn concluded the BSEA did have jurisdiction to hear some damages claims from a student alleging injuries from an assault in an appeal filed by the parents for exhaustion purposes since the intent of the proceeding would be to provide a record for a further appeal. The Hearing Officer then dismissed the appeal on statute of limitations grounds, declining to find that the statute had been tolled. *In Re: Bourne Public Schools (Ruling of Bourne's Motion for Summary Judgment)*, 8 MSER 297 (2002).

BSEA Hearing Officer Jackie Belf-Becker issued a detailed decision outlining BSEA's lack of authority to award damages in tort or statutorily under Chapter 766, IDEA, Section 504, 42 U.S.C. §1983, the Student Records Regulations, and the Buckley Amendment. *In Re: Natick Public Schools (Ruling on Parents' Motion for BSEA Determination of Jurisdiction to Award Monetary Damages)*, 6 MSER 48 (2000).

Hearing Officer Rosa I. Figueroa found that the BSEA lacked jurisdiction to award compensatory or punitive damages under the IDEA, 42 U.S.C. §1983, or §504 and that petitioners had exhausted their administrative remedies and could proceed to further judicial review. *In Re: Brockton Public Schools (Ruling/Order on the Parents'/Student's Motion to Include Claim for Monetary Damages and Parents'/Student's Motion to Join an Individual School Official, and the Brockton Public Schools' Opposition to Both Motions)*, 6 MSER 20 (2000).

Hearing Officer Sandra Sherwood found that Wareham would be responsible for a student in DYS custody who had formerly lived in Wareham and attended public schools there while in a foster home but that no decisional precedent authorized the award of compensatory damages under federal civil-rights statutes given the circumstances of this case. *In Re: Wareham Public Schools (Ruling on Wareham Public Schools' Motion to Dismiss with Prejudice for Failure to State a Claim)*, 5 MSER 154 (1999).

BSEA lacked jurisdiction to order the withdrawal of juvenile-delinquency charges against a violent 11-year-old with a 502.4 behavioral program at the Dennis-Yarmouth school or to order monetary damages for failure to convene a TEAM meeting prior to reporting criminal conduct to the police. *In Re: Dennis-Yarmouth Regional School District (Ruling)*, 4 MSER 25 (1998).

Hearing Officer Joan Beron ruled that BSEA lacked jurisdiction to order the payment of monetary damages by the Taunton school system for notifying juvenile authorities of a student's misconduct prior to reconvening the TEAM. *In Re: Taunton Public Schools (Ruling)*, 4 MSER 1 (1998).

**MRPC**

BSEA lacked jurisdiction to order an LEA to supply an attorney or a waiver of the attorney's presence for meetings between the Parents' attorney and school officials in order to protect the Parents' attorney from bar discipline under Rule 4.2 of the Massachusetts Rules of Professional Conduct. *In Re: Springfield Public Schools (Ruling on Parent's Motion for Protective Order)*, 15 MSER 109 (2009).

**Office of the Commissioner of Probation**

A BSEA Hearing Officer ruled that he could not order the joinder of the Office of the Commissioner of Probation in an IEP dispute arising from a Student in DYS custody since the Office of the Commissioner of Probation is a part of the Administrative Office of the Trial Court over which BSEA has no jurisdiction. *In Re: Justice Resource Center (Ruling on Parent's Motion to Join Massachusetts Office of Probation)*, 17 MSER 32 (2011).

**Other States**

Although not yet addressed by case law, the BSEA has found on numerous occasions that its supervision of Massachusetts students in out-of-state placements financed by public funds is well within its purview and necessary to help assure FAPE. *In Re: Harwich Public Schools (Ruling on Harwich Motion to Stay Put)*, 11 MSER 230 (2005).

**Parental Authority**

Where an abuse prevention order issued by the court prevented the district from providing Parent with access to her son's educational records, the Hearing Officer rejected Parent's claims of procedural violations as a matter of law and noted that the dispute regarding access must be resolved by the courts, not the BSEA. *In Re: Montachusett Regional Vocational School District (Ruling on School's Amended Motion to Dismiss Construed as an Amended Motion for Summary Judgment)*, 25 MSER 19 (2019).

In response to a hearing request filed by a Parent contesting decisions made by a Special Education Surrogate Parent, Hearing Officer Amy M. Reichbach granted a motion for summary judgment filed by the district after it submitted juvenile court orders to show that the child was in the custody of the Department of Children and Families on July 1, 2015, the date the father filed his hearing request. The Special Education Surrogate Parent had the authority to make decisions from August 6, 2014 through July 15, 2015, and had accepted an IEP placing the child at the May Institute effective November 21, 2014. *In Re: Taunton Public Schools (Ruling on Taunton Public Schools' Motion for Summary Judgment)*, 22 MSER 113 (2016).

Denying the district's motion to dismiss, Hearing Officer Amy M. Reichbach ruled that a family's involvement with the Department of Children and Families does not necessarily indicate that a Parent lacks the authority to make educational decisions for his child. Parent claimed he had custody of his son and contested the authority of a Special Education Surrogate Parent. *In Re: Taunton Public Schools (Ruling on Taunton Public Schools' Motion to Dismiss)*, 22 MSER 111 (2016).

Hearing Officer Amy M. Reichbach ruled that grandparents, who had been provided with the authority to exercise concurrent parental rights with the Parent pursuant to a Caregiver Authorization Affidavit, had standing to file a hearing request seeking retroactive reimbursement for a unilateral placement of their granddaughter. *In Re: Clinton Public Schools (Ruling on Clinton Public Schools' Motion to Dismiss)*, 21 MSER 64 (2015).

An IEP developed by the Wakefield Public Schools for a first-grader with significant language needs was affirmed by Hearing Officer William Crane, who declined Parents' request to transfer Student for bullying reasons to another elementary school at which special-education services were not available, but also declined to override the Parents' lack of con-

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sent or issue an order returning the student to his special-education placement. Parents have a right to refuse all special-education services and only a federal district court, not the BSEA, may override the parents' decision. *In Re: Wakefield Public Schools (Decision)*, 12 MSER 171 (2006).

### Parental Harassment

Hearing Officer Lindsay Byrne determined that where a Student diagnosed with autism and ADHD had missed more than 70 days of school, the district's initiation of truancy proceedings, as well as a neglect complaint with the Department of Children and Families, was not retaliatory. After Student's lead teacher had resigned early into the school year and was replaced by a series of substitute teachers, Parents pulled Student out of school, resulting in him receiving no alternative educational services. *In Re: Fall River Public Schools (Decision)*, 20 MSER 151 (2014).

Hearing Officer Joan D. Beron allowed a Mother's motion to remove the harassment claim from Duxbury's complaint where neither the IDEA nor Massachusetts 766 regulations give a BSEA Hearing Officer jurisdiction to hear harassment claims that are unrelated to a child's right to receive FAPE. The school district claimed that the Mother brought this compliance proceeding frivolously and in order to harass the LEA and further interfere with its implementation of the student's BSEA-ordered IEP. *In Re: Duxbury Public Schools (Ruling on Motions)*, 14 MSER 90 (2008).

### Physical Restraint

While BSEA did have jurisdiction to interpret the physical-restraint regulations promulgated by the Board of Education, Hearing Officer Raymond Oliver declined to allow restraint in this case where the ESP failed to present any documentation showing that such restraint was necessary for FAPE, and the allowance of restraint is narrowly limited to situations evincing both "dangerousness" and agreement between the Parent and LEA on its use. *In Re: Springfield Public Schools (Ruling on Parties' Cross Motions for Summary Judgment)*, 14 MSER 334 (2008).

### Private School

Although she declined to dismiss Parent's claims on the basis of lack of jurisdiction over private special education schools, the Hearing Officer found that the doctrine of collateral estoppel applied and granted the Gifford School's motion to dismiss on this basis. An earlier BSEA decision had established that the responsible public school districts had provided her son with a FAPE and that Gifford had fully implemented his accepted IEP. *In Re: The Gifford School (Ruling on School's Motion to Dismiss)*, 24 MSER 18 (2018).

Where Parents challenged Melmark New England's home visitation policies and attendant requirements for parental training as resulting in a denial of FAPE for their 13-year old son, Hearing Officer Sara Berman ruled that there had been no denial of FAPE and that the BSEA lacked the authority to order Melmark to revamp its home visitation program. *In Re: Agawam Public Schools (Decision)*, 22 MSER 22 (2016).

Pursuant to the requirements of 603 CMR 28.08(3)(a), the BSEA lacked jurisdiction to adjudicate Parent's claim that the district improperly supervised the administration of medication during her son's placement at the May Institute. The Hearing Officer noted that DESE is the agency charged with monitoring and enforcing compliance with the regulations governing private schools in the Commonwealth. *In Re: Ludlow Public Schools (Ruling on Ludlow Public Schools' Partial Motion to Dismiss)*, 21 MSER 276 (2015).

Hearing Officer Sara Berman held that a 12-year old boy with ASD was entitled to remain in his residential placement at Melmark New England pending Parents' appeal contesting Melmark's efforts to terminate the placement after a dispute over Parents' cooperation with the school's policies with respect to home visits and other issues. Finding that Melmark was the child's stay-put placement, the Hearing Officer dismissed Parents' motion to enjoin Melmark from terminating their son's enrollment,

ruling the issue moot. The Hearing Officer also declined to interpret the provisions in the regulations allowing for planned terminations from private schools as immunizing Melmark from federal stay-put requirements. *In Re: Agawam Public Schools (Ruling on Parents' Motion to Enforce "Stay Put")*, 21 MSER 81 (2015).

The BSEA lacked jurisdiction to hear an appeal from a student at a private Catholic high school upset over her dismissal from the track team, since the school did not receive any federal funding. *In Re: Cardinal Spellman High School (Ruling on Cardinal Spellman High School's Motion to Dismiss with Prejudice)*, 9 MSER 48 (2003).

Hearing Officer Lindsay Byrne found that a private-school child seeking the installation of a sound-amplification system in the parochial school in which he was placed could seek recourse from the BSEA as a jurisdictional matter since Massachusetts had not adopted the restrictive private-school rules found in IDEA-97 notwithstanding a DOE "policy" saying the restrictive federal rule should be followed. *In Re: Waltham Public Schools (Ruling on Motion to Dismiss)*, 5 MSER 121 (1999).

BSEA lacked jurisdiction to join a private, unapproved, special-education school to an expelled student's proceeding against his LEA where the BSEA lacked any statutory or regulatory authority for asserting such jurisdiction and a 1994 Superior Court had explicitly ruled that the BSEA lacks such jurisdiction. *In Re: Mohawk Trail Regional School District (Ruling on Motion for Joinder of the Eagle Hill School and Request for an Interim Stay Put Order)*, 4 MSER 201 (1998).

### Program Quality Assurance (PQA)

Hearing Officer Rosa I. Figueroa found that Bridgewater-Raynham's appeal seeking substituted consent for an evaluation for a sixth-grader did not prejudice parental rights to an independent evaluation simply because the Parents had previously filed for a Program Quality Assurance investigation so as long as the subject matter of the two proceedings would not be the same. *In Re: Bridgewater-Raynham Regional School District (Ruling on Parents' Motion to Dismiss)*, 17 MSER 91 (2011).

### Records Request

Hearing Officer rejected Boston's contention that a records request dispute was moot and granted Parent's motion with respect to her claim that the district had failed to provide her with a "complete and accurate copy" of her child's records within the statutory and regulatory timelines. The district did not complete the process of forwarding the records until 19 months after the request was made. Finding no BSEA jurisdiction, the Hearing Officer, however, denied Parent's request that the district be ordered to make systemic changes to its records retention and retrieval process and granted Boston's motion to dismiss this claim. *In Re: Boston Public Schools (Ruling on Cross-Motions for Summary Judgment)*, 25 MSER 37 (2019).

Finding that procedural safeguards, including parental access to student records, are an essential component of FAPE, the Hearing Officer denied a motion to dismiss a Parent's hearing request alleging that the Boston Public Schools had unlawfully failed to provide her with a complete copy of her child's educational records. Boston had argued that the BSEA lacked jurisdiction over the matter as it fell outside of the statute and was subject to the process set forth in the Massachusetts Student Record Regulations. *In Re: Boston Public Schools (Memorandum of Prior Ruling on Motion to Dismiss)*, 24 MSER 241 (2018).

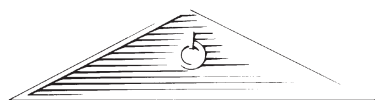
Hearing Officer denied a motion to dismiss filed by the Boston Public Schools with respect to a hearing request alleging multiple failures of the district to respond to Parents' request for student records. Rejecting the district's argument that the BSEA lacked jurisdiction over appeals of student record requests, the Hearing Officer noted that the BSEA ruling relied

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**Kotin, Crabtree & Strong**

**Stoneman, Chandler & Miller**



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- Amherst Public Schools, 11-6786 (Decision), 18 MSER 326 (2012)**  
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- Andover Public Schools, 98-0493 (Decision), 4 MSER 83 (1998)**  
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- Andover Public Schools, 98-3368 (Ruling on School's Motion to Dismiss and on Student's Motion to Join the Massachusetts Interscholastic Athletic Association As a Party), 4 MSER 9 (1998)**  
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- Andover Public Schools, 08-4981 (Decision), 14 MSER 108 (2008)**  
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- Andover Public Schools, 12-0430 (Decision), 17 MSER 338 (2011)**  
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- Andover Public Schools, 12-7315 (Decision), 18 MSER 319 (2012)**  
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- Andover Public Schools, 15-02640 (Ruling on Department of Mental Health's Motion to Dismiss), 20 MSER 212 (2014)**  
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- Andover Public Schools, 15-10008 (Ruling on Motion of Andover Public Schools for Protective Order), 22 MSER 148 (2016)**  
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- Andrew C., 97-2792 (Ruling on Motions), 3 MSER 55 (1997)**  
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- Andrew S., 94-1451 (Decision on Motion), 1 MSER 109 (1995)**  
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- Andrew S. v. Massachusetts Department of Education et al., 95-30025 (C.A.) (Memorandum and Order Regarding Plaintiff's Revised Motion for Temporary Restraining Order and Preliminary Injunction), 2 MSER 20 (1996)**  
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- April M. v. West Boylston Public Schools, 99-40181 (C.A.) (Memorandum of Decision and Order for Amended Judgment), 7 MSER 239 (2001)**  
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- Arlington Public Schools, 02-1327 (Decision), 8 MSER 187 (2002)**  
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