

The Bureau of Special Education Appeals

What We'll Cover

- What is the BSEA, and why does it exist?
- What does the BSEA do?
- Mediations:
 - How and when to request one
 - Why you might want one
 - What to expect when you go
- Hearings:
 - Types of cases and timelines
 - Gathering evidence
 - When to call an advocate or attorney
- Questions?

What is the BSEA?

- Administrative law body
- Three functions:
 - Mediations
 - Hearings
 - Settlement conferences
- People:
 - Mediators
 - Hearing officers
 - Director

Mediations

- Possible mediation cases:
 - Not getting services in student's IEP
 - Disagreement over what services should go into an IEP
 - Placement disagreement
 - Compensatory education
- When a mediation might help:
 - School's position is obviously ridiculous
 - School *might* work with you
 - There is room for compromise
- How to request a mediation:
 - Call the BSEA: 781-397-4750

Mediations

- How to prepare:
 - Write down what you want
 - Write down what you might be willing to compromise on and what you are not willing to compromise on
 - Gather evidence:
 - evaluations
 - incident reports, report cards, other school records
 - your and your student's experience
 - Prepare an opening statement
- What to expect: shuttle mediation

Hearings

- Types of Cases: You want something and the district said no
 - Not getting services in the student's IEP
 - Disagreement over what services should be included in a student's IEP
 - Placement disagreement
 - Compensatory education
 - Manifestation determination review appeal
 - Eligibility disagreement

- Timelines:
 - Expedited: 15 days
 - MDR appeal
 - District says someone is going to get hurt
 - Accelerated: 30 days
 - Health or safety endangered
 - Services are so inadequate that student is harmed
 - Student has no program or program is about to end
 - Regular: 35 days, but can be postponed

Hearings: Gathering Evidence

- Independent or outside evaluations
- School records: (10 days to get them to you)
 - Report cards
 - IEP progress reports
 - Attendance
 - School discipline and restraint, if relevant
 - Conduct logs
 - Notes from OT, PT, etc. providers
 - Remote learning records
- Notes from outside providers
- Your notes from remote learning

When to Call for Help

- First, try:
 - Ask for an IEP meeting and at the meeting, ask for what you want
 - Follow-up put your ask in writing
 - Request school records
- What we can do:
 - Advice only
 - Limited representation
 - Full representation
- Call us:
 - GBLS: 617-603-1659 or emcintyre@gbls.org
 - Ed Law: 617-910-5829 or edlawproject@publiccounsel.net

Questions?