

**COMMONWEALTH OF MASSACHUSETTS**  
**DIVISION OF ADMINISTRATIVE LAW APPEALS**  
**BUREAU OF SPECIAL EDUCATION APPEALS**

In re: Student v. Springfield Public Schools  
BSEA#1309716

**RULING ON SPRINGFIELD PUBLIC SCHOOLS' MOTION TO DISMISS PARENT'S  
CLASS CLAIMS**

This ruling is rendered pursuant to M.G.L. Chapters 30A and 71B; 20 U.S.C. Sections 1400 et seq.; 29 U.S.C. Section 794; and the regulations promulgated under these statutes.

**BACKGROUND**

On June 23, 2013 Parent filed a Hearing Request against the Springfield Public Schools (SPS) regarding Student as well as “all similarly situated students” in SPS. Parent raised both individual claims/sought individual relief for Student but also raised class claims/sought systemic relief for an alleged class of similarly situated students. On July 8, 2013 SPS filed its Answer along with a Motion To Dismiss (MTD) all claims for similarly situated students based upon lack of BSEA jurisdiction to hear claims for systemic relief. On July 24, 2013 Parent filed an Amended Hearing Request. On July 30, 2013 SPS filed its Response to Parent’s Amended Hearing Request, renewing its MTD of any and all claims related to systemic violations and /or violations not specific to Student. On August 23, 2013, Parent responded to SPS’s MTD all systemic class claims on behalf of similarly situated students. In this response, Parent states that these class claims were raised in Student’s Hearing Request:

To ensure that the rights of the class would be protected in the event that she is ever required to administratively exhaust these claims. However, Petitioner does not believe that the class claims should be subject to exhaustion, and therefore concurs with Respondent that the class should be dismissed, since they cannot be properly addressed in this tribunal due to the BSEA’s lack of procedures and experience in handling complex class actions.

On a September 12, 2013 pre-hearing conference call oral argument/oral agreement took place and the Hearing Officer orally granted SPS’s MTD all class claims regarding similarly situated

students. Parent requested a written ruling in light of the First Circuit Court of Appeals decision in *Frazier v. Fairhaven School Committee*, 276 F.3d 52,(1<sup>st</sup> Cir.2002).

## **RULING**

SPS's MTD All Class Claims/All Claims Regarding Similarly Situated Students/All Claims Other Than those Pertaining to Student is **GRANTED**.

My analysis follows.

The BSEA governing statute, M.G.L. Chapter 71B, Section 2A(a)- provides in relevant part:

There shall be a bureau of special education appeals which shall provide adjudicatory hearings ...for resolution of disputes between and among parents, school districts, private schools and state agencies concerning: (i) any matter relating to the identification, evaluation, education program or educational placement of a child with a disability or the provision of a free and appropriate public education to the child arising under this chapter and regulations promulgated hereunder or under the Individuals with Disabilities Education Act, 20 U.S.C. section 1400 et seq., and its regulation; or (ii) a student's rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, and its regulations. (Emphasis added)

Throughout M.G.L. c.71B, 20 U.S.C Section 1400 et seq., 29 U.S.C. Section 794 and the regulations promulgated pursuant to these statutes, the repeated references are to *a child* with a disability, *the child*, *the student*, all in the singular, individual form. BSEA's jurisdiction is, therefore, limited to resolving disputes and providing relief for individual students. Further, the BSEA Rules for Special Education Appeals, based upon the BSEA's mandated function to assure a free and appropriate education in the least restrictive educational environment for the unique student at issue in the particular BSEA appeal, make no provision for class actions.

Given the above statutory and regulatory scheme, the charge of the BSEA Hearing Officer is to determine the individual student's specific special education needs, and to determine whether or not the school can appropriately address those individual needs. Unlike the federal courts (see Rule 23 of the Federal Rules of Civil Procedure), the BSEA has no statute, regulation, or rule providing for class action claims. The BSEA has never engaged in class wide fact finding and does not have the experience, expertise, or institutional capacity to provide administrative fact finding on class action claims which could be of assistance to the federal court in any potential, subsequent class action litigation.

**ORDER**

SPS's MTD is **GRANTED**.

By the Hearing Officer

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Dated: \_\_\_\_\_