**COMMONWEALTH OF MASSACHUSETTS**

**DIVISION OF ADMINISTRATIVE LAW APPEALS**

**BUREAU OF SPECIAL EDUCATION APPEALS**

**In Re: Student v. Taunton Public Schools BSEA#: 2507197**

**RULING ON**

 **TAUNTON PUBLIC SCHOOLS’ SUFFICIENCY CHALLENGE**

This matter comes before the Hearing Officer on the January 31, 2025, *Taunton* *Public Schools’ Sufficiency Challenge[[1]](#footnote-2)* (*Sufficiency Challenge*) in which Taunton Public Schools (Taunton or the District) asserts that Parent’s “Hearing Request as written does not contain all elements set out in Rule IB of the BSEA Hearing Rules for Special Education Appeals because the Hearing Request does not include facts relating to the nature of the disagreement.”

Specifically, on or about January 23, 2025, Parent filed a Request for Hearing. Aside from the necessary demographic information, the Hearing Request contained a single sentence: "I do not want my son's IEP removed!!" According to Taunton, the Parent's Hearing request lacks any facts relating to the disagreement, which is required under Rule IB of the BSEA Hearing Rules for Special Education Appeals. Taunton further describes that, on or about November 18, 2024, the Team met to review the results of recently completed re­evaluations and determine whether the Student at issue continued to be eligible for special education. The Team determined that the Student was not eligible for special education because the Student was making effective progress in school. The Team notified the Parent that the Student could proceed through the process of considering whether the Student was eligible for a Section 504 Accommodation Plan.

Because neither testimony nor oral argument would advance the Hearing Officer's understanding of the issues involved, this Ruling is issued without a hearing, pursuant to *Bureau of Special Education Appeals Hearing Rule* VII(D).

For the reasons set forth below, Taunton’s *Sufficiency Challenge* is DENIED.

**LEGAL STANDARD:**

Pursuant to Rule I (E) of the BSEA Hearing Rules, "[i]f the hearing request does not contain the elements set out in Rule 1B, [the non-moving] party may file a written challenge to the sufficiency of the hearing request with the Hearing Officer and the other party(ies) within fifteen (15) calendar days of receipt of the hearing request."

Rule I (B) of the *Hearing Rules* sets forth the required content of a hearing request as follows:

The hearing request must contain the following information:

* + - 1. The name of the child;
			2. The address of the residence of the child;
			3. The name of the school the child is attending;
			4. In the case of a homeless child or youth within the meaning of the McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), available contact information for the child, and the name of the school the child is attending;
			5. A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
			6. A proposed resolution of the problem to the extent known and available to the party at the time.

This additional information should be included[[2]](#footnote-3):

1. Name, address, and telephone number of:

* 1. Person requesting hearing;
	2. Parent(s);
	3. Legal Guardian, if any;
	4. Individual given court-appointed educational decision-making

 authority, if any;

* 1. Duly appointed educational surrogate parent, if any; and,
	2. Individual with whom the child lives and who is acting in the place of the parent, if any;

2. Relationship to student of person requesting hearing;

3. Name of programmatically and fiscally responsible school district(s) and / or name of state educational agency or other state agency(ies);

4. If applicable, the name, address, phone number, and fax number of the attorney or advocate representing the party who is requesting a hearing; and

5. Primary language of the home, if not English, and whether interpretation and/or translation will be needed.

**APPLICATION OF LEGAL STANDARD:**

In applying these standards below, I bear in mind that complaints filed by pro se parties are to be construed liberally.[[3]](#footnote-4) As explained by the First Circuit Court of Appeals, "[t]he policy behind affording pro se plaintiffs liberal interpretation is that if they present sufficient facts [to state a claim], the court may intuit the correct cause of action, even if it was imperfectly pled.”[[4]](#footnote-5) This principle aligns with "[o]ur judicial system [, which] zealously guards the attempts of pro se litigants on their own behalf" while not ignoring the need for compliance with procedural and substantive law.[[5]](#footnote-6)

Here, Parent’s statement that she does not want her son’s IEP to be “removed” is sufficient to provide the District with notice of the “problem.” Although the Hearing Requestdoesnot include specific factsrelating to the problem, the District’s proposal to terminate the Student’s special education eligibility (and Parent’s issue with such proposal) may be inferred with a liberal interpretation of the complaint. As such, the District has not met its burden to demonstrate that the Hearing request lacks the required content.

**ORDER:**

The District's *Sufficiency Challenge* is DENIED.

By the Hearing Officer:

/s/ Alina Kantor Nir
Alina Kantor Nir

Dated: February 3, 2025

1. This was filed as part of the Taunton Public Schools’ *Response Of The Taunton Public Schools*

*To The Parent's Request For Hearing (Response)*. [↑](#footnote-ref-2)
2. While this information is not mandated by the IDEA, including it will enable the BSEA and opposing party to more effectively and efficiently communicate and respond to the Hearing Request. [↑](#footnote-ref-3)
3. See *Ahmed v. Rosenblatt*, 118 F.3d 886, 890 (1st Cir. 1997). [↑](#footnote-ref-4)
4. *Id*. [↑](#footnote-ref-5)
5. *Id*. [↑](#footnote-ref-6)