**COMMONWEALTH OF MASSACHUSETTS**

***Division of Administrative Law Appeals***

**Bureau of Special Education Appeals**

**Re: Student v. Mendon-Upton Regional School District BSEA # 2509520**

**RULING ON PARENT'S MOTION TO EXCLUDE DISTRICT'S RESPONSE TO HEARING REQUEST**

This matter comes before the Hearing Officer on *Parent's Motion to Exclude the District's Response to the Hearing Request* (*Motion*) filed via email on April 2, 2025. In it, Parent asserts that Mendon-Upton Regional School District (Mendon-Upton or the District) filed, through Counsel, its *Response* to Hearing Officer Marguerite Mitchell, not the undersigned Hearing Officer who is assigned to this matter. Parent argues that as she has yet to receive a copy of the District’s Response addressed to the undersigned Hearing Officer, I should “disregard the district response as it was not received by both parties.”[[1]](#footnote-1)

On April 3, 2025, Mendon-Upton Regional School District (Mendon-Upton or the District) responded via email, that On March 20, 2025, Counsel’s assistant emailed the District’s response to Parent. Counsel wrote, “Please see the email from my assistant, [], below. She filed the District’s response on March 20 and copied [Parent]. It was sent to [Hearing Officer Marguerite Mitchell] inadvertently [] but [Parent] is copied.” Parent responded via email dated same that the communication was “still addressed to Marguerite Mitchell.”

For the reasons set forth below, Parent's *Motion* is DENIED.

**LEGAL STANDARD:**

*1. Legal Standard for Excluding Response.*

BSEA Hearing Rule I (D) provides that "[w]ithin ten (10) calendar days of receipt of the moving party's hearing request, the opposing party must send to the other party and the Hearing Officer a response that specifically addresses the issues raised in the hearing request. However, if the school district sent a prior written notice to the parent regarding the issues raised in the parent's hearing request in accordance with 34 C.F.R. § 300.503, the school district need not send an additional response."

**APPLICATION OF LEGAL STANDARD:**

The BSEA Hearing Rules do not address motions to exclude or strike a response, nor do they preclude the sharing of information among hearing officers. Furthermore, despite the undisputed fact that the District’s *Response* was mistakenly addressed to the incorrect Hearing Officer, Parent timely received a copy of said *Response* and thus has notice of the District’s position regarding the issues raised in her Hearing Request. As such, there is no basis upon which to allow Parent’s *Motion.* Parent’s *Motion* is hereby DENIED.

**ORDER:**

Parent's *Motion* is DENIED, and the District’s response is included in the record of this matter.

So Ordered by the Hearing Officer,

*Alina Kantor Nir*

Alina Kantor Nir

Dated: April 4, 2025

1. In prior email communications to the Hearing Officer and Counsel for the District, Parent argued that the District’s communication to Hearing Officer Mitchell violated Student’s right to confidentiality. [↑](#footnote-ref-1)