**COMMONWEALTH OF MASSACHUSETTS**

**DIVISION OF ADMINISTRATIVE LAW APPEALS**

**BUREAU OF SPECIAL EDUCATION APPEALS**

**In Re: Student v. Topsfield Public Schools and Masconomet Regional School District**

**BSEA # 2510694**

**RULING ON MOTIONS**

This matter comes before the Hearing Officer on Parents’September 22, 2025 filing of an Amended Hearing Request in this matter (*Motion to Amend Hearing Request*) and a Motion to [R]equest [T]hat October 15, 16, & 17 [Hearing] [D]ates [R]emain (*Motion to Maintain the Existing Hearing Timeline*). Specifically, Parents asserted that “the core issues remain the same and they are ready to proceed to hearing.”

On September 22, 2025, Topsfield Public Schools’ Counsel responded that Topsfield Public Schools (Topsfield) “strongly objects to retaining the current hearing dates given this amended hearing request. This amendment completely changes the claims against Topsfield.” Topsfield requested that it “be given a new notice of hearing, starting the timeline from the beginning.”

Also on September 22, 2025, Masconomet Regional School District’s Counsel responded via email, indicating that Masconomet Regional School District (Masconomet) “will be taking no position on this.” However, it followed up with a Motion to bifurcate the issues for Hearing (*Motion to Bifurcate*). Specifically, Masconomet asserted that

“Masconomet should not be prevented from going forward on the current hearing dates simply because the Parents have waited until just a few weeks before hearing to amend its Hearing Request against Topsfield. Therefore, to accommodate Topsfield’s desire to recalculate the hearing dates, Masconomet moves that the claims against Topsfield and Masconomet be bifurcated and that the case against Masconomet go forward for hearing on October 15, 16 and 17, 2025.”

On the same date, Parents responded that “[i]t would place an undue burden on [Student] to have to testify at more than one hearing. It would be their preference that if needed, the hearing dates be moved, as opposed to bifurcation.”

On September 23, 2025, Topsfield filed *Topsfield Public School District's Response to Parent's Amended Hearing Request and Motion to Reset Timelines*, requesting, in part, that “the BSEA timeline be reset, including the statute of limitations, as the Amended Hearing Request, filed on September 22, 2025, should be seen as a new request.”

For the reasons set forth below, Parents’ *Motion to Amend Hearing Request* is ALLOWED. Parents’ *Motion to Maintain the Existing Hearing Timeline* is DENIED. Masconomet’s *Motion to Bifurcate* is DENIED.

**FACTS:**

The facts appearing herein are considered to be true for purposes of this Ruling only.

1. Student is a 12-year-old resident of Topsfield, Massachusetts. She is currently a sixth grade student at Proctor School located in Topsfield.
2. Student receives IEP support under a primary disability of communication and a secondary disability of specific learning disability: reading and writing. These disabilities impact all areas of the curriculum.
3. On December 5, 2024, Parents accepted all services in Student’s current IEP dated 11/12/2024 to 11/11/2025 (2024-2025 IEP) but rejected the in-District placement and informed Topsfield that they planned to privately place Student at Landmark School and would be pursuing tuition reimbursement from the District.
4. The 2024-2025 IEP proposed that for 7th grade, Student would be placed at Masconomet Middle School, located in Boxford, Massachusetts, within the Masconomet Regional School District. Masconomet Regional School District comprises Boxford, Middleton and Topsfield, MA.
5. On April 1, 2025, Parents filed a Request for Hearing alleging, in part, that the placement delineated in the IEP dated from 11/12/2024 to 11/11/2025 is inappropriate; that they have accepted a placement at Landmark School in Beverly, Massachusetts; and that they are seeking tuition reimbursement and transportation, including the summer program.
6. On May 14, 2025, the undersigned Hearing Officer allowed *Parents’ Motion to Join Masconomet Regional School District* in the instant matter.
7. On September 22, 2025, Parents filed an Amended Hearing Request requesting, in part, “that Topsfield be required to fund compensatory services in the amount of one school year at Landmark. We ask that the compensatory services include reimbursement of mileage for daily round trip transportation for the summer program as well as the school year. We request reimbursement for the cost of the 2025 summer program.”

**LEGAL STANDARDS:**

1. Amending the Complaint

BSEA Hearing Rule I(G) allows the moving party to amend the Hearing Request under two circumstances:

“1. In response to a Hearing Officer’s determination that a hearing request is insufficient, as described in E, above, the moving party may file an amended hearing request within fourteen (14) calendar days of the date of the Hearing Officer’s determination.

2. If the other party consents in writing, or the Hearing Officer grants permission.  (The Hearing Officer may not grant such permission later than five (5) calendar days before the start of the hearing.)

Whenever a hearing request is amended, the entire process starts over for the purpose of timelines, as if the amended hearing request were a new request. However, to the extent the amendment merely clarifies issues raised in the initial hearing request, the date of the initial hearing request shall be control[ing] for statute of limitations purposes. For issues not included in the original hearing request, the date of the amended hearing request shall be controlling for statute of limitations purposes.”

1. Bifurcating Issues

Although neither 801 CMR 1.01 nor BSEA Hearing Rules address bifurcation, 801 CMR 1.01 (7)(j) states that “[i]f there are multiple proceedings which involve common issues, a Party shall notify the Agency or Presiding Officer of this fact, stating with particularity the common issues. The Agency or Presiding Officer may with the concurrence

of all partiesand any other tribunal that may be involved, consolidate the proceedings.”

**DISCUSSION:**

In this matter, the Parents seek to amend their Hearing Request to include a new claim for compensatory services against the Topsfield Public Schools. While the amendment arises from the same set of facts underlying the original complaint, Topsfield correctly notes that a request for compensatory education represents a substantive and distinct legal claim from those initially asserted. This new claim is not merely a clarification of the issues previously raised, but rather introduces an additional and independent basis for relief: a request for one year of tuition reimbursement as a remedy for an alleged denial of a FAPE. The introduction of such a claim may significantly impact Topsfield’s legal strategy moving forward. Accordingly, fairness dictates that Topsfield be afforded an opportunity to reassess its position, amend its response, or pursue resolution discussions in light of the expanded scope of the proceeding. Therefore, while the *Parents' Motion to Amend* their Hearing Request is **ALLOWED**, their *Motion to Maintain the Existing Hearing Timeline* is **DENIED** in order to ensure due process and provide Topsfield with sufficient time to respond to the newly asserted claims.

Masconomet’s *Motion to Bifurcate* is also hereby **DENIED**. This matter is currently scheduled for hearing in mid-October. While a brief postponement of the hearing would not result in prejudice to Masconomet, the Parents have raised a valid and compelling concern regarding the potential impact of bifurcation on the Student. Specifically, the Parents correctly contend that the Student should not be required to testify at two separate hearings within a short timeframe, as so doing could impose an unnecessary emotional burden.

I find, given the nature of the claims and the overlapping factual context, bifurcation would create an undue hardship for the Student without offering any clear procedural or substantive benefit that would outweigh that concern. Accordingly, in the interests of judicial efficiency and the Student’s well-being, Masconomet’s request for bifurcation is denied, and the matter shall proceed as scheduled.

**ORDER**:

Parents’ *Motion to Amend Hearing Request* is ALLOWED. Parents’ *Motion to Maintain the Existing Hearing Timeline* is DENIED. Masconomet’s *Motion to Bifurcate* is DENIED. A Recalculated Notice of Hearing with new timelines will be issued to the parties.[[1]](#footnote-1) The parties will participate in a conference call on October 14, 2025.

So Ordered by the Hearing Officer,

/s/ Alina Kantor Nir

Alina Kantor Nir

September 24, 2025

1. The recalculated Hearing Date is October 27, 2025. [↑](#footnote-ref-1)