**COMMONWEALTH OF MASSACHUSETTS**

**DIVISION OF ADMINISTRATIVE LAW APPEALS**

**BUREAU OF SPECIAL EDUCATION APPEALS**

**In Re**: **Student & Braintree Public Schools BSEA # 2511326**

**RULING ON SEVEN MOTIONS AND REQUESTS[[1]](#footnote-1)**

This matter comes before the Hearing Officer on several motions and requests filed by the Parties since the filing of Parent’s *Hearing Request* on April 14, 2025. The motions and requests involved in this Ruling pertain to requests for translation by Parent, discovery disputes over Parent’s *Request for Production of Documents* filed on April 17, 2025 (*Parent’s RFP*), and the scheduling requests relating to Conference Calls and the Hearing on the merits[[2]](#footnote-2). Specifically, the motions and requests are as follows:

First, on April 16, 2025[[3]](#footnote-3), Parent filed by email a request for the District to “send documents and communications simultaneously in both English and XXX”. On April 16, 2025[[4]](#footnote-4), the District filed by email a reply advising that it is “happy to translate all pleadings in XXX, but it cannot occur simultaneously, as it takes a few days for the documents to be translated”.

On April 16, 2025, after receipt of multiple emailed requests[[5]](#footnote-5), the Parties were ordered to comply with Bureau of Special Education Appeals (BSEA) Standing Order 23-1R Section A2 with regard to all future filings in a *Ruling on Parent’s Motion to Exclude Attorney for the District and Order to Comply with BSEA Standing Order 23-1R Section A2* (*April 16, 2025 Ruling*). Specifically, the Parties were advised that “… any substantive requests made in the body of an email rather than as an attachment to an email, will not be considered for filing or otherwise deemed a part of the record. No responsive Ruling or Order will be issued by the BSEA in response to any such requests not filed in accordance with this Standing Order provision”.

Thereafter, on April 23, 2025, Parent filed a letter (in compliance with the *April 16, 2025 Ruling*), objecting to receipt of documents from the District in English “followed by XXX translations weeks later”. To date, the District has not filed any document in response to Parent’s April 23, 2025 letter, other than its April 16, 2025 email. I, therefore, consider the requests collectively as Parent’s *Requests for District to Translate* and the District’s *Response to Requests for District to Translate*.

Second, on April 23, 2025, the District filed its *Initial Objections to Parent’s First Request for Production as Premature* (*Initial Objections*). A XXX translation of this pleading was filed and served on Parent on April 25, 2025. To date, Parent has not filed any document in response to the *Initial Objections*.

Third, on April 25, 2025, Parent refiled her April 23, 2025 letter and advised in the email accompanying this letter that “Dear officer see my attachment as the same apply to BSEA orders” (*Request for BSEA to Translate*)[[6]](#footnote-6). Although this email does not completely comply with the *April 16, 2025 Ruling*, so as to ensure a clear record, it is nevertheless addressed herein. To date, the District has not filed any document in response to this *Request*.

Fourth, on May 7, 2025, Parent filed a letter objecting to the scheduling of two Conference Calls in which Parent did not participate (*Objection to Conference Calls*). To date, the District has not filed any document in response to this *Objection*.

Fifth, on May 9, 2025, the District filed *General Objections to Parents’ (sic) Request for Documents and Motion for Protective Order* (*Motion for Protective Order*). Parent was served a XXX translation of the *Motion for Protective Order* on May 16, 2025. However, prior to that time, on May 12, 2025, Parent filed *General Objections by Parent to Braintree Objection to Produse (sic) Documents and Protection (sic) Order* (*Objection to Motion for Protective Order*)[[7]](#footnote-7).

Sixth, on May 13, 2025, Parent filed a letter requesting to postpone the Hearing based on the District’s failure to respond to Parent’s “multiple requests for essential documents which are critical to Parent’s preparation”, and that Parent is still not receiving timely translations of documents “which [are] essential for informed participation in the hearing process … [and] the District’s failure to communicate the timeline for when these translated documents will be sent is incredibly distressing”. Parent also proposed September 11, 2025, as a new hearing date “as I’m out of the country during this summer” (*Parent’s Postponement Request*)[[8]](#footnote-8). To date, the District has not filed any document in response to *Parent’s Postponement Request*.

Seventh, on May 27, 2025, Parent filed a *Motion to Hold Braintree School District in Contempt* (*Motion for Contempt Order*), contending the District failed to comply with *Parent’s RFP*, with regard to producing communications the District has had with “the Massachusetts Department of Children and Families (DCF), the Town of Braintree officials and agencies, [and] [o]ther individuals or organizations involved in my daughter’s education, placement and safety”. Parent requested all documents from the District and the BSEA be translated into her native language of XXX, and sought a “20-day extension from the date the missing documents are produced. The District filed its opposition, in English only, on June 3, 2025, outlining its filings to date that have not yet been ruled on.

As noted above, I find all the requests and motions to pertain to one of three categories, to wit: translation-based disputes, discovery disputes and scheduling disputes, and I consider them accordingly, noting the relevant legal standards where applicable. Neither party has requested a hearing on any of the requests or motions. As neither testimony nor oral argument would advance my understanding of the issues involved, this Ruling is issued without a hearing pursuant to *Hearing Rules for Special Education Appeals* (*Hearing Rules*)Rule VII(D).

I. Translation-Based Disputes.

Parent seeks to have both the District and the BSEA translate all documents filed and issued into XXX “simultaneously” with providing them in English. Without citation, Parent claims that,

“it is important to note that under both federal and state special education law, if a parent’s primary language is not English, they have the right to receive translations of all special education documents, including those related to a BSEA hearing, at the same times as the original documents are sent. This requirement is mandated to ensure equal access to information for all parents”.

The District does not object to translating documents sent to Parent, and has done so, to date, however it submits that translation cannot, practically, occur “simultaneously”. Consistent with this position, translated copies of the two documents filed by the District that are the subject of this *Ruling* were sent to the Parent two days (with regard to the *Initial Objections*) and seven days (with regard to the *Motion for Protective Order*) after she received them in English, this despite Parent having filed her *Objection to Motion for Protective Order* four days before receiving the XXX translation.

Under Part B of the IDEA, parents with limited English proficiency are guaranteed the right to translated versions of prior written notice of any decision to initiate or change or to refuse to initiate or change the “identification, evaluation, or educational placement of the child, or the provision of a free, appropriate public education to the child” “unless it clearly is not feasible to do so” (20 USC 1415(b)(4)); and the Procedural Safeguard’s Notice “(unless it clearly is not feasible to do so)” (20 USC 1415(d)(2))[[9]](#footnote-9). The IDEA also provides that districts shall ensure at each IEP Team meeting, that parents with limited English proficiency are provided an opportunity to participate inclusive of “whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents … whose native language is other than English” (34 CFR 300.322(e)). Further, the definition of “consent” includes a requirement that “the parent has been fully informed of all information relevant to the activity for which consent is sought, *in his or her native language*, …” (emphasis added) (34 CFR 300.9)[[10]](#footnote-10). Additionally, Massachusetts special education regulations provide that each district shall “ensure that *all* communications and meetings with parents … shall be in both English and the primary language of the home …. Any interpreter used to implement this provision shall be fluent in the primary language of the home” (emphasis added) (603 CMR 28.07(8)(b)).

However, neither the federal nor state special education laws require any written translations to be done simultaneously, nor is this always practical or feasible. This does not, of course, mean that a District can delay in providing a parent of limited English proficiency with translated information and communications. Further, in most cases, fairness would dictate that until such translation occurs, a parent with limited English proficiency should not be held accountable for complying with procedural deadlines or otherwise required to provide a response to the English document or communication. As noted above, the IDEA recognizes and specifically accounts for situations where translation may not be “feasible”. Thus, concerns about translation raised by a parent with limited English proficiency must be considered under a reasonableness standard in the context of the of the individual document or communication. Further, as these laws recognize, translation can be accomplished via the use of interpreters.

As such, the *Requests for District to Translate*, and the *Request for BSEA to Translate*, are **ALLOWED in part and DENIED in part**. To the extent that they seek the District and the BSEA to translate all documents filed or issued in this matter they are **ALLOWED[[11]](#footnote-11)**. To the extent they seek the District and the BSEA to issue such translations “simultaneously” they are **DENIED with the following conditions**:

1. Parent’s deadline for responding to any pleadings the District files in this matter shall begin with the date she is provided a translated copy of the pleading.
2. In the unusual situation that either the District or the BSEA files or issues a document that will result in a Parent needing to respond prior to her receiving the translated document, the District or the BSEA shall arrange for a fluent XXX interpreter to be made available to Parent, at no cost to her, to orally interpret the document.
3. The *Decision* of the BSEA after a Hearing on the merits, if any, shall be issued in both English and XXX simultaneously.

II. Discovery Disputes.

The District’s *Initial Objections* seeks to have Parent’s discovery requests excluded as premature. The District argues that in accordance with the April 15, 2025 *Notice of Hearing*, establishing the deadline to convene the resolution session for April 29, 2025, it sent Parent a letter inviting her to participate in a resolution session in English on April 16, 2025, with a translated version sent in XXX on April 22, 2025. Parent failed to respond to that letter. As *Hearing Rule V(B)* provides that “… formal requests for information may be made at anytime after a request for hearing is filed and the resolution meeting, when required, has been held or waived”, Parent’s filing *Parent’s RFPs* prior to this is prohibited.

Parent did not respond to the District’s *Initial Objections,* despite receiving them in XXX on April 25, 2025[[12]](#footnote-12).

As noted previously, Parent filed *Parent’s RFP* on April 17, 2025, prior to the deadline for convening the resolution session, and also prior to it being waived[[13]](#footnote-13). It also remains unclear from the record whether Parent wants to have a resolution session or not. As such, the District’s *Initial Objection* is **ALLOWED** and *Parent’s RFP* is excluded in this matter as having been filed prematurely. Neither party may file discovery in this matter until such time that Parent has either agreed to waive the resolution session or such session has been held with Parent in attendance.

Notwithstanding my determination, the District retains the IDEA obligation to provide Parent with the ability to inspect and review Student’s school records “without unnecessary delay and before [the BSEA] hearing on the merits, …, and in no case more than 45 days after the request has been made.” (34 CFR 300.613). *Parent’s RFP* included a request for copies of all of Student’s records since August 2, 2022. It was filed on April 17, 2025, and 45 days from said datewas June 1, 2025. Accordingly, so as to ensure compliance with 34 CFR 300.613, the matter will proceed as follows:

1. To the extent that Parent has not otherwise been given the ability to inspect and review such records[[14]](#footnote-14), the District shall forthwith make this opportunity available to Parent.
2. At the District’s option, it shall provide Parent with a translated copy of such records or shall arrange for an interpreter to be present to assist Parent at such review and inspection, at no cost to Parent[[15]](#footnote-15).
3. Once the District has complied with these requirements, it shall file a Notice of Compliance with 34 CFR 300.613, confirming the date(s) of compliance, in both English and XXX, consistent with this *Ruling*.

In light of my ruling on the *Initial Objection*, the remaining discovery motions and requests are now moot. Specifically, the District’s *Motion for Protective Order* is **DENIED as moot** and Parent’s *Motion for Contempt Order* is **DENIED as moot**.

III. Scheduling-Based Disputes.

Finally, I address Parent’s *Objection to Conference Calls* and *Motion for Postponement*. Since receiving both *Motions*, a further Conference Call has been scheduled in this matter for June 8, 2025 at 9:00 a.m. and the Hearing on the merits has been postponed to August 11 and 12, 2025. As such, technically, both requestsare now moot. However, to ensure clarification of the record, I address them here.

In her *Objection to Conference Calls*, Parent contends that two Conference Calls were ordered “without consideration of my time and av[ailability]”. To properly address this claim, a review of the procedural history relating to these Calls is necessary.

As noted previously, on April 15, 2025, the BSEA issued a *Notice of Hearing* on Parent’s *Hearing Request* establishing, among other deadlines, the initial Conference Call for May 5, 2025, at 4:00 p.m.[[16]](#footnote-16). The *Notice of Hearing* was provided to Parent in English on this date and in XXX on April 22, 2025. The *Hearing Rules* were also provided to Parent in English on this date and in XXX on April 22, 2025. Thereafter, the phone number and passcode for the initial Conference Call was provided in the *April 16, 2025 Ruling*, also sent to Parent in XXX on April 17, 2025, and a XXX interpreter was secured for this Call. At no time did Parent advise as to her unavailability for the initial Conference Call.

On Monday May 5, 2025, the Conference Call was convened as scheduled with the Hearing Officer, the District and the XXX interpreter in attendance. When Parent did not join the Call, the Hearing Officer emailed her to ask if she would be joining, advised that a XXX interpreter was also participating, and indicated the participants would wait until 4:15 p.m. for Parent to join. A copy of the English and XXX *April 16, 2025 Ruling* was attached. This entire email was also translated in real time into XXX below the English version. Parent did not join the Call, and the Call ended at 4:15 p.m.

At 4:52 p.m. Parent replied to the Hearing Officer’s email advising “I didn’t know about it. I had accident couple days ago. I’m in doctor office today.” The Hearing Officer replied that day to ask if Parent would be available to reschedule the Call on Wednesday, May 7, 2025, from 8:00 a.m. – 10:00 a.m. or 12:00 p.m. to 4:30 p.m. This email was also translated in real time into XXX below the English version.

The following morning, May 6, 2025, Parent was sent a follow up email advising that the Hearing Officer’s availability for Wednesday had changed and asking Parent for her availability for a rescheduled Call on Wednesday between 8:00 a.m. and 10:00 a.m. or from 3:30 p.m. to 4:30 p.m. Parent was asked to reply that morning so that there was sufficient time to secure an interpreter and translate the Call Order. Parent was informed that if she did not reply by noon, the Call would be rescheduled to the following morning from 9:00 a.m. to 10:00 p.m. using the same phone number and passcode as before and as included in the *April 16, 2025 Ruling* that had been re-sent to Parent the day before. This email was also translated into XXX below the English version.

At 9:58 a.m. on May 6, 2025, Parent replied to advise “I'm not able to attend tomorrow any meeting as I have back to back appointments also driving my daughter to school and medical appointments, what is the reason for the call?”. The undersigned Hearing Officer responded at 11:36 a.m. on the same date to advise that the purpose of the initial Conference Call scheduled for parent-filed Hearing Requests is explained in *Hearing Rule II(E)*. Parent was also informed that the Call would address the District’s pending postponement request and pending *Motion to Dismiss/Motion for Summary Judgment*, and any procedural questions Parent may have. Parent was reminded that the date and time for the initial Call was included in several documents that she had received in English and XXX and that a XXX interpreter had been secured for all of the offered Call times the next day. Finally, Parent was informed that if she declined to participate in the Call, a written ruling would issue on the pending postponement request. The English and XXX version of the *Notice of Hearing*, and the *April 16, 2025 Ruling* as well as the XXX version of the *Hearing Rules* were attached. This entire email was also translated in real time into XXX below the English version. Parent did not reply to this email.

Thereafter, on May 6, 2025, an Order scheduling the Conference Call for May 7, 2025, at 9:00 a.m. was sent to Parent in English and XXX. The email accompanying the Order advised Parent that in case her availability changed, she was being offered another opportunity for the Call with a XXX interpreter. She was informed the participants would wait until 9:15 a.m. for her to join the Call, but if she did not join the Call it would end at that time. This email was translated in real time into XXX below the English version. That evening, Parent replied to this email advising “Dear officer I'm not well after my accident. I will do my best to attend this call.”

The second attempted Conference Call was convened as scheduled with the Hearing Officer, the District and the XXX interpreter in attendance. Parent did not join the Call or otherwise communicate by email that she was intending to join. At 9:15, the Call was ended due to Parent’s non-participation.

At 9:22 a.m., 9:27 a.m. and 9:32 a.m. Parent sent emails pertaining to her attempts to join the Call without success. The final email attached audio recordings of Parent’s attempts. By their timestamps the attempts started at 9:20.47 a.m., with two subsequent attempts at 9:22.40 a.m. and 9:23.54 a.m., all after the 9:15 a.m. end time for the Call that Parent had been informed of the day before, both in English and XXX.

As such, the undersigned Hearing Officer replied to Parent to confirm that the Call had been scheduled to start at 9:00 a.m. and consistent with the email accompanying the Order for the Call (sent to Parent in English and XXX), the call was ended at 9:15 a.m. and as Parent did not join, the interpreter was dismissed. Since it was not possible to re-access the interpreter on short notice, a written Ruling would issue on the District’s postponement request and would take into consideration anything either party filed in writing (in accordance with Standing Order 23-1R) by the end of that day. This email was also translated in real time into XXX below the English version.

In response, Parent filed the *Objection to Conference Call*. However, this document made no mention of Parent’s position on the District’s postponement request. No other written submissions pertaining to the postponement request were received that day from either Party.

On May 8, 2025, a *Ruling* on the District’s postponement request was issued, allowing the request but requiring the Parties to advise by the end of that day as to their availability to participate in a Hearing on 3 specified dates in July or 10 specified dates in August. The *Ruling* also indicated that failure to submit a response would be considered as availability on all listed dates. The Parties were also asked to confirm the status of the resolution session. Although this *Ruling* was provided to Parent in English, the email accompanying the *Ruling* advised Parent that given the tight deadlines involved, an interpreter was available at no cost to Parent to read her the *Ruling* in XXX. This email was translated in real time into XXX below the English version. The District replied timely. Parent did not file a reply or access the interpreter.

On May 14, 2025 (although drafted on May 9, 2025), a *Supplemental Ruling* in both XXX and English was issued on the District’s postponement request scheduling a further Conference Call for July 8, 2025 (one of the offered dates) and postponing the Hearing until August 11 and 12, 2025.

In the interim time period between creation of the English *Supplemental Ruling* and its XXX translation, Parent filed her *Motion for Postponement*, addressed *supra*[[17]](#footnote-17).

Given the procedural history associated with scheduling the Conference Calls, I conclude that Parent’s claims that they were made without consideration of her time and availability is not supported by the record. Substantial consideration and communication with Parent were provided in both English and XXX as to the scheduling of the Calls. Parent was well aware of the time and date for both Calls,and only attempted to join the Call on May 7, 2025, after she knew it had ended. Parent was also informed that if she declined to join the Calls a written ruling would issue on the District’s postponement request based on the documents filed, and she was provided with additional opportunities to submit both her position and her availability for a new Hearing date in writing. She failed to do so[[18]](#footnote-18). Notwithstanding, as noted previously, a further Conference Call is scheduled for July 8, 2025, at 9:00 a.m., and Parent is encouraged to participate. A XXX interpreter will again be provided for Parent at no cost. As such, Parent’s *Objection to Conference Calls* is **DENIED**.

As to the *Motion for Postponement*, according to *Hearing Rule* III(A)(3), postponements may be granted at the request of a party and “only for good cause”. Parent seeks postponement for three reasons – that she has not been provided with timely translations, that she has not received “essential documents” that are “critical for the parent’s preparation”, and that she will be out of the country during the summer.

As to the translation reason, the record does not support Parent’s claim that she has not received timely translations of documents. Moreover, by virtue of the conditional denial issued in Section I of this *Ruling,* Parent’s concerns over timely translations have been fully addressed. As to the missing document basis, these concerns are also fully addressed by the orders issued in Section II of this *Ruling*.

Finally, I do not find that Parent’s plans to be out of the country for the entire summer constitutes good cause to further postpone this Hearing. First, Parent initially sought to postpone a hearing date that was prior to the summer. Further, as ordered in the *April 25, 2025 Ruling*, at Parent’s request, she and Student only[[19]](#footnote-19), will be permitted to participate virtually in the Hearing. Finally Parent has claimed repeatedly that a Hearing is necessary due to the District’s alleged denial of any education to Student, and the record to date indicates that Parent has not agreed to any educational placement or services proposed for Student this entire school year, unless and until Student is participating in an agreed-upon educational program, the risk of prejudice to her outweighs any travel plans that Parent may have[[20]](#footnote-20). Notwithstanding, if Parent is not ready, willing or able to participate in a Hearing this summer on her *Hearing Request*, she retains the ability to withdraw her Hearing request without prejudice and refile it at a later date[[21]](#footnote-21). As such, Parent’s *Motion for Postponement* is **DENIED**.

**CONCLUSION**

Parent’s *Requests for District to Translate*, and the *Request for BSEA to Translate*, are **ALLOWED in part and DENIED in part**. To the extent that the requests seek that District and the BSEA translate all documents filed or issued in this matter they are **ALLOWED**, but to the extent they seek the District and the BSEA to issue such translations “simultaneously” they are **DENIED with conditions**, as set forth above. The District’s *Initial Objection* is **ALLOWED** and *Parent’s RFP* is excluded as having been filed prematurely. However, the District shall provide Parent with an opportunity to inspect and review Student’s student record as set forth above. The District’s *Motion for Protective Order* is **DENIED as moot**. Parent’s *Motion for Contempt Order* is also **DENIED as moot**. Further, Parent’s *Objection to Conference Calls* is **DENIED**. Finally, Parent’s *Motion for Postponement* is **DENIED**.

So Ordered by the Hearing Officer,

/s/ Marguerite M. Mitchell

Marguerite M. Mitchell

Dated: June 3, 2025

1. Consistent with Parent’s April 14, 2025, request to the BSEA, this *Ruling* is being provided to Parent in English upon issuance and is also being translated into XXX. The XXX translation will be mailed to Parent upon completion. [↑](#footnote-ref-1)
2. These are not the only pleadings filed by the Parties during this time, however. I have previously issued a Ruling on April 16, 2025, as noted *infra*, on Parent’s request to exclude the District’s Attorney from these proceedings. Additionally, on April 25, 2025, I issued a *Ruling on Requests by Parent* (*April 25, 2025* *Ruling*) addressing Parent’s request for a virtual hearing and her *Emergency Short Order of Notice* seeking to exclude a Probate Court Order appointing a GAL for Student that the District had filed. Additionally, the District has filed a *Motion to Dismiss/Motion for Summary Judgment* and a *Supplemental Motion to Dismiss/Motion for Summary Judgment* that remains pending and will be addressed in a separate *Ruling*. Further, a postponement *Ruling* and a *Supplemental Ruling* on postponement have issued, also as discussed *supra.* [↑](#footnote-ref-2)
3. Although the email is dated April 15, 2025, it was received after close of business and is deemed filed on April 16, 2025. [↑](#footnote-ref-3)
4. Although the email is also dated April 15, 2025, it was received after close of business and is deemed filed on April 16, 2025. [↑](#footnote-ref-4)
5. In addition to these emails, Parent’s request to exclude the District’s Attorney from the matter had been filed by email, and the District had filed its response by email. [↑](#footnote-ref-5)
6. Earlier that day, Parent received the *April 25, 2025 Ruling* in English. A XXX translation of the *April 25, 2025 Ruling* was thereafter issued to Parent on May 1, 2025. [↑](#footnote-ref-6)
7. Although dated May 9, 2025, it was received after close of business on Friday May 9, 2025, and is deemed filed on May 12, 2025. [↑](#footnote-ref-7)
8. Although dated April 12, 2025, it was received after close of business and is deemed filed April 13, 2025. [↑](#footnote-ref-8)
9. See 34 CFR 303.421 and 34 CFR 300.503. [↑](#footnote-ref-9)
10. See 603 CMR 28.01(4). [↑](#footnote-ref-10)
11. This determination pertains solely to those pleadings, rulings and orders filed and issued in this matter. It does not pertain to any discovery produced by the District to Parent, if appropriate. [↑](#footnote-ref-11)
12. See *Hearing Rule VI(C)* providing in relevant part that “Any party may file written objections to the allowance of the motion and may request a hearing on the motion within seven (7) calendar days after a written motion is filed with the Hearing Officer and the opposing party…”. [↑](#footnote-ref-12)
13. Parent has not yet indicated if she waives the resolution session. As part of a pleading it filed on May 8, 2025, in English and May 14, 2025, in XXX the District advised the BSEA that it will waive the resolution session “if parent is willing to waive it”, but Parent did not respond to that. Further, in that pleading, the District advised that in response to its April 16, 2025 English letter asking parent if she was interested in participating in a resolution session (also advising that the District intended to have the letter translated), Parent replied “I’m going to wait for translation thank you”. However, Parent has not responded to the XXX translation of this letter although it was sent to her by email and first-class mail on April 22, 2025. [↑](#footnote-ref-13)
14. I note that the District’s *Motion for Protective Order* indicates that it produced Student’s student record “on multiple occasions and to multiple attorneys and advocates” as well as in “exhibits in the prior BSEA matter” Parent’s *Motion for Contempt Order* indicates that she has not received requested documents other than the student record. Thus, the District may have already complied with this IDEA requirement in this matter. I also take administrative notice that this is the second BSEA *Hearing Request* involving the Parties. The first matterresulted in a decision after a full hearing on the merits (*In Re: Braintree Public Schools*, BSEA No. 2409030, 30 MSER 349, (Berman, 2024)) and addressed issues of FAPE, including educational services, evaluation, placement and compensatory services through April 2024. As part of that initial matter, the District had the same obligation to give Parent an opportunity to inspect and review Student’s student record. Thus, the District’s obligation, if any, in this matter is limited only to student records created after April 2024. [↑](#footnote-ref-14)
15. The right to inspect and review a student record prior to a BSEA hearing is guaranteed by the IDEA. It is separate and apart from the discovery process, even though, here, Parent requested a copy of Student’s student record in *Parent’s RFP*. Thus, I do not consider the District’s arguments pertaining to caselaw addressing which party (the producer of discovery or the recipient) is obligated to translate documents produced in discovery. See *In Re: Puerto Rico Electric Authority,* 687 F.2d 501, 506 (1st Cir. 1982); *E. Bos. Ecumenical Cmty. Council, Inc. v. Mastrorillo*, 124 F.R.D. 14, 15 (D. Mass. 1989). [↑](#footnote-ref-15)
16. The initial Conference Call on a parent-filed *Hearing Request* is scheduled pursuant to *Hearing Rule II(E).* [↑](#footnote-ref-16)
17. As the *Motion for Postponement* was filed prior to Parent receiving the *Supplemental Ruling* scheduling the Hearing for August 11 and 12, 2025, I consider it as a request for a further postponement. [↑](#footnote-ref-17)
18. Arguably the *Motion for Postponement* could be construed as Parent’s provision of her availability. However, it was received after the May 8, 2025 deadline, and Parent sent several emails to the BSEA in the interim, including filing her *Objection to Motion to Compel*. [↑](#footnote-ref-18)
19. The XXX interpreter will also be permitted to participate virtually. [↑](#footnote-ref-19)
20. Compare *In Re: Student v. Springfield Pub. Schs.*, BSEA # 2208440 28 MSER 254 (Kantor Nir, 2024) (brief postponement proper where no parties report concerns for the student’s wellbeing in the intervening time). [↑](#footnote-ref-20)
21. As noted earlier, given that this is the second *Hearing Request* filed between the Parties, with the first matter covering all issues through April of 2024, the statute of limitations on any claims Parent may have after that date will not expire until April of 2026. [↑](#footnote-ref-21)