**COMMONWEALTH OF MASSACHUSETTS**

**DIVISION OF ADMINISTRATIVE LAW APPEALS**

**BUREAU OF SPECIAL EDUCATION APPEALS**

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

**RULING ON PARENT’S REQUESTS**

On July 11, 2025, Parent filed a document entitled “*Request for Correction of Document Dates, Compliance with Translation Requirements, Extension of Hearing Preparation Time, Subpoena for Missing Records and Concerns about Document Production*” (*Requests*). On the same day the District filed, in English only, its *Response* to the *Requests* (*Response*). Also on the same day, the Parties participated in a Conference Call. During the Call Parent objected to receiving the *Response* in English only, and she was informed a *Ruling* would not issue on the *Requests* until after the District provided Parent with its *Response* in XXX. The XXX translation of the *Response* was provided to Parent on July 16, 2025.

As 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 *Hearing Rules for Special Education Appeals* (*Hearing Rules*)Rule VII(D).

For the reasons articulated below, Parent’s *Requests* are **DENIED**, however the District is prohibited from submitting as evidence at the hearing on the merits document(s) contained in Student’s student record file, if any, that it failed to provide to Parent.

**RELEVANT PROCEDURAL HISTORY AND POSITIONS OF PARTIES**

On June 3, 2025, a *Ruling on Seven Motions and Requests* (sent to Parent in English and XXX on June 10, 2025) (*June 3, 2025 Ruling*) was issued addressing three categories of motions and requests Parent and the District had filed in seven pleadings up to that date, to wit: translation-based disputes, discovery disputes and scheduling disputes. With regard to the translation-based disputes, Parent sought “simultaneous” translation of all documents filed by the District and issued by the BSEA. The District objected only to having translations issued “simultaneously”. Parent’s translation-based dispute requests were allowed in part and denied in part. Specifically, the *June 3, 2025 Ruling* concluded that,

“To the extent that [Parent’s translation-based requests] seek the District and the BSEA to translate all documents filed or issued in this matter they are **ALLOWED[[1]](#footnote-1)**. 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 [the] 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” (footnote in original).

With regard to the discovery disputes, the District sought to exclude *Requests for Production of Documents* (*RFPs*) that Parent had filed due to the *RFP* being filed prematurely (i.e., prior to the deadline for convening a resolution session or prior to it having been waived) and noting the procedural history relating to Parent’s failure to confirm her position on holding or waiving a resolution session to date. The District’s request was allowed. However, despite excluding the *RFPs*, the District was ordered to comply with the provisions of 34 CFR 300.613 that provides parents with the right to “inspect and review” 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.” Specifically, the *June 3, 2025 Ruling* ordered,

“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[[2]](#footnote-2), 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[[3]](#footnote-3).
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*” (footnotes in original).

On July 2, 2025, the District filed a *Notice of Compliance with 34 CFR 300.613* (*Notice of Compliance*) in English, advising, in relevant part that on June 30, 2025, the District emailed Parent “an electronic copy of Student's student record from April 2024 to the present. Where translations were available, they were provided. With regard to those records not translated, [the District] offered to arrange for an interpreter to be present with Parent to review the records”. The District also noted that Parent had to date not arranged for such translation services. The *Notice of Compliance* was sent to Parent in XXX on July 7, 2025.

On July 11, 2025, Parent filed the *Requests* claiming that there were “ongoing issues severely limiting my ability to prepare for this hearing” [[4]](#footnote-4). Specifically, Parent claimed that she was receiving translated documents from the District that were dated earlier than the day she received them that she contends “effectively shortens my legal response time”, referring specifically to a translated document she received on July 7, 2025 that was dated July 2, 2025[[5]](#footnote-5).

Additionally, Parent claims she has not received “several key documents I requested, nor have they been properly translated”. She acknowledged receiving “250 old emails, many of which are unreadable and do not contain the requested communications, attachments are missing, and the emails appear heavily redacted and incomplete”. She objects to what she claims was purposeful action on the district to share “only some parts of communications … purposely cutting and disorganizing them”. Further, she contends that “calling an interpreter to read over 200 emails out loud makes no sense, as this would take an unreasonable amount of time and is not possible for me to remember and use it to prepare for hearing”. Parent advises the documents were originally requested on April 16, 2025[[6]](#footnote-6) and that “for me to prepare properly for this hearing, these documents must be complete, accurate, organized and properly translated.

Parent attached three exhibits consisting of examples of: A) a copy of emails she received that contained attachments that were not provided; B) “redacted and incomplete emails” to evidence the “District’s failure to produce full communications”; and C) “documents with incorrect or altered dates that shorten my legal response time”. She also objected to not receiving any text messages or faxes in the documents produced.

Parent made five specific requests involving 1) correcting “inaccurate dates”; 2) providing all documents “and attachments, organized, complete and unredacted, simultaneously in both the original language and [XXX], with correct dates”; 3) ensuring Parent has sufficient time to respond upon receiving pleadings within federal and state timelines; 4) an extension of 10 additional days beyond when she received all documents from the District to “respond to motions and prepare for hearing”; and 5) issuance of a subpoena to obtain the “complete records and communications” requested on April 16, 2025,

On July 11, 2025, the District filed its *Response*,in English, contending that it has “diligently had all pleadings and accompanying cover letters in this matter translated to [XXX]”, but “to preserve the integrity of the process” these documents are translated showing the original filing date of the English version. The District contends that there is no prejudice to Parent as her response timelines, if any, to District filings run from the date the translated documents are sent to the Parent in XXX. The District also confirmed that in accordance with the *June 3, 2025 Ruling*, it sent parent all non-privileged documents in Student’s student record (including communications) from April 2024 to the present, redacted only for matters protected by the attorney-client privilege and for personal telephone numbers. It also offered to have an interpreter available for Parent to review these communications, since written translation was not practical owing to the need to convert documents to a new format thus risking loss or improper insertion of words, and punctuation, etc. The District also confirmed there are no non-privileged texts or faxes.

As to the exhibits provided by Parent, the District contends that the attachment referenced in the email provided as Exhibit A consisted of the resume of its special education Administrator that it did not include as it did not consider the resume to be part of Student’s student record, but that the District is willing to provide it. However, the District disputes that the documents in exhibit B are “incomplete” as was alleged, and it confirmed that exhibit C is an accurate example of the process it provides translated pleadings to Parent.

On July 11, 2025, the Parties participated in a Conference Call and, among other things, jointly requested to further postpone the Hearing. This joint request was thereafter allowed for good cause, and the hearing was further postponed until September 30 and October 10, 2025, via a written *Ruling* issued on July 16, 2025 (and sent to the Parties in XXX and English on July 17, 2025) (*Postponement Ruling*).

Finally, as noted, *supra*, the XXX translation of the *Response* was provided to Parent on July 16, 2025.

**ANALYSIS**

To the extent the *Request* objects to or seeks further relief relating to translation of documents, extension of deadlines after receiving translated documents, or seeks to have additional documents beyond Student’s student record produced (i.e., requested relief 2, 3 and 5), such requests are **DENIED as moot**. Translation procedures (inclusive of when timelines will run for Parent) and Parent’s April 16, 2025 *RFP* have already been addressed in the *June 3, 2025 Ruling*, and Parent does not allege any manifest errors of law or fact, new information or an intervening change in law[[7]](#footnote-7) that warrants reconsideration[[8]](#footnote-8).

To the extent the *Request* seeks a further postponement of the Hearing (i.e., request 4), it is also **DENIED as moot** given the July 16, 2025 *Postponement* *Ruling* postponing the Hearing at the joint request of the Parties for good cause until September 30, 2025 and October 10, 2025, which is well more than the additional ten days requested.

Further, to the extent the *Request* seeks to have the District re-date or change the date of its pleadings (i.e., request 1), it is **DENIED**. The District explained, as supported by the exhibits Parent submitted with the *Requests*, that it maintains the English issuance date when a translated document is sent to the Parent in XXX, understanding that the date Parent receives the translation version is the date her timelines begin to run. Not only is this proper and appropriate, it is also consistent with the *June 3, 2025 Ruling.*

Finally, I address generally, Parent’s objections pertaining to alleged missing records, and her request for everything to be translated without use of an interpreter to read the documents. Both requests are **DENIED**. With respect to the translation objections/request, neither state nor federal laws mandate that the District rely exclusively on written translation when providing Parent with information. As I previously explained in the *June 3, 2025 Ruling*, all translation requirements in both the IDEA and the Massachusetts special education laws incorporate a practicality and feasibility element and specifically account for interpreters to be provided. Moreover, while Massachusetts law contains broader translation requirements than the IDEA, as it requires districts to “ensure all communications … are in both English and the primary language of the home”, it explicitly indicates that this can be accomplished through use of an interpreter, provided that if a District offers interpretation instead of translation, the interpreter must be fluent in the primary language of the home. (603 CMR 28.07(8)(b)).

As to alleged missing documents, although Parent fails to specify what is missing (other than texts or faxes which the District advises do not exist), she contends generally that the District must provide her with a “complete, accurate, organized and properly translated” set of documents. The District has confirmed both in the *Notice of Compliance* and the *Response* that Parent has received all documents, redacted only for attorney-client privileged information or personal telephone numbers, in Student’s student record (particularly including all documents from April 2024 to the present)[[9]](#footnote-9). While the IDEA and the *Hearing Rules* guarantee parents the right to receive a complete copy of a student’s student record as part of a due process hearing, and FERPA’s confidentiality provisions are specifically incorporated into the IDEA[[10]](#footnote-10), not every student record violation claim is within the jurisdiction of the BSEA[[11]](#footnote-11). Other forums exist to address student record violations that are not within the BSEA’s jurisdiction[[12]](#footnote-12). Parent claims the failure to receive records impedes her ability to fully prepare for a Hearing, which the District disputes. However, given the District’s representations that it has provided all documents in Student’s student record to Parent, and so as to ensure that Parent has the same student record information as the District has for the hearing, the District will be unable to present as evidence at the hearing on the merits document(s), if any, that are contained in Student’s student record file, that it has not provided to Parent[[13]](#footnote-13).

Wherefore, Parent’s *Requests* are **DENIED**, however the District is prohibited from submitting as evidence at the hearing on the merits document(s) contained in Student’s student record file, if any, that it failed to provide to Parent.

So Ordered by the Hearing Officer,

/s/ Marguerite M. Mitchell

Marguerite M. Mitchell

Dated: July 22, 2025

1. 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-1)
2. 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-2)
3. 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-3)
4. Prior to this filing, on June 7, 2025, Parent filed a letter to “raise a procedural concern” that she had received an attached English-only pleading from the District (the District’s *Opposition to Parent’s Motion for Contempt*) that was filed with the BSEA in English June 3, 2025. Parent also claimed she received the same English only pleading in the mail on June 7, 2025. Parent requested “1. That this issue be documented and entered into the hearing record as a procedural violation; 2. That the Hearing Officer order the District to provide **all current and future documents in my primary language at the time of filing or mailing**; and 3. That any deadlines related to untranslated or delayed documents be extended accordingly” (emphasis in original). The District provided a translated copy of this pleading to Parent on June 10, 2025. Parent’s letter was entered into the record in accordance with her first request. Her second request was addressed via the orders relating to the translation-based disputes in the *June 3, 2025 Ruling* that Parent received on June 10, 2025, as noted previously. As to her third request, since the District’s pleading at issue was an opposition (i.e., an “objection to the allowance of a motion” per *Hearing Rule VI(C)*), there was no procedural action or response needed or available to Parent, thus there were no “deadlines” to extend. [↑](#footnote-ref-4)
5. This appears to be the *Notice of Compliance*. [↑](#footnote-ref-5)
6. This appears to be the *RFPs* Parent filed that were excluded as part of the *June 3, 2025 Ruling* as noted above. [↑](#footnote-ref-6)
7. None of the IDEA or Massachusetts regulations cited by Parent to support her claims for a right to have all documents translated or a right to a “fair hearing with access to all relevant evidence and reasonable time to prepare” have been revised since issuance of the *June 3, 2025 Ruling*, and the legal analysis of all the claims in that *Ruling* still applies. [↑](#footnote-ref-7)
8. Fed.R.Civ.P. 60; see *Villanueva-Mendez v. Nieves Vazquez*, 360 F.Supp.2d 320, 323 (D. Mass. 2005) (internal citations omitted) (“… a motion for reconsideration cannot be used as a vehicle to relitigate and/or rehash matters already litigated and decided by the Court. These motions are entertained by Courts if they seek to correct manifest errors of law or fact, present newly discovered evidence, or when there is an intervening change in law”). [↑](#footnote-ref-8)
9. I already addressed the need for the documents to be “properly translated” and I note that there is no obligation for the District to organize anything it provides to Parent or otherwise facilitate her preparation for the hearing. [↑](#footnote-ref-9)
10. 20 USC 1417(c); see 20 USC 1412(a)(8). [↑](#footnote-ref-10)
11. Federally, student records are protected under the Family Education Rights and Privacy Act (FERPA) 20 USC 1232(g); 34 CFR Part 99. In Massachusetts, student records are protected by M.G.L. c. 71 §34D; 603 CMR 23.00; see M.G.L. c. 71 §34F. [↑](#footnote-ref-11)
12. For instance, although a private right of action does not exist under FERPA, parents/students claiming violations of this law can request an investigation and determination from the “Family Policy Compliance Office”. 34 CFR 99.63; see *Frazier v. Fairhaven Sch. Comm*., 276 F.3d 52, 69, holding that there is no private right of action under FERPA, but recognizing that FERPA provides “… parents and students [the option to] file written complaints through this administrative machinery”. Additionally, claims of violations of the Massachusetts student record laws and policies can be appealed to the superintendent of schools and thereafter the school committee. 603 CMR 23.09. [↑](#footnote-ref-12)
13. Further, as it has offered to do so, the District shall provide Parent with a copy of the resume of its special education Administrator translated into XXX. [↑](#footnote-ref-13)