**COMMONWEALTH OF MASSACHUSETTS**

*Division of Administrative Law Appeals*

**Bureau of Special Education Appeals**

**In Re**: Dudley-Charlton Regional School District v. **BSEA #** 2601884

Student

**Ruling on Dudley-Charlton Regional School District’s Request to Shorten the Timelines for Parents to Respond to Discovery Requests & Parents’ Motion to Postpone [the Hearing] and [Request] for a Public Hearing**

On September 4, 2025, Parents filed a Motion to Postpone [the Hearing] and [Request] for a Public Hearing. Parents requested that the Hearing be public, but not in person, as this is a parental right. Parents’ advocate further objected to the Hearing being held at the office of the Bureau of Special Education Appeals (BSEA) in Malden, on the basis that she has a service dog and traveling to Malden would be too taxing on her service dog.

On September 5, 2025, the District served discovery on Parents and requested that the BSEA shorten the timeline for Parents to respond to discovery requests.[[1]](#footnote-1) Specifically, the District seeks Parents’ response by September 29, 2025. Parents’ advocate[[2]](#footnote-2) objected to shortening of the timeline to respond to the District’s discovery requests on September 5, 2025, and specifically objected to releasing any of the sought communications between her and Parents.

On September 8, 2025, the District filed an Opposition to Parents’ Motion to Postpone & for Public Hearing (discussed later in this Ruling).

On September 12, 2025, the District filed Objections to Parents’ First Set of Interrogatories[[3]](#footnote-3) and Motion for Protective Order, on the basis that many of Parents’ requests were overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The District further objected to requests that sought information protected under the attorney-client and/ or work-product privileges, and documents that sought information relating to students other than Student in the case at bar.

**RULINGS**:

1. **Parents’ Motion to Postpone the Hearing**:

Parents’ request to forgo the first date of hearing, scheduled for September 19, 2025, due to unavailability of one of the advocates, and to proceed with a one-day hearing on the second scheduled date, October 9, 2025, is **GRANTED** for good cause. This matter will proceed as follows:

1. Exhibits and witness lists are due by the close of business on October 2, 2025.
2. The Hearing will be held on October 9, 2025, at 10:00 a.m.

The decision in this case will be issued by November 3, 2025. Given the District’s opposition to any postponement beyond October 9, 2025, no further postponements will be granted.

1. **Parents’ Request for a Public Hearing**:

Consistent with 20 USC §1415(b)(6)(a) and 34 CFR §300.512(c)(2), affording parents the right to open the due process hearing to the public, Parents’ request for a public hearing is **GRANTED**.[[4]](#footnote-4)

1. **Venue**:

Parents’ advocate requested that the Hearing be moved to Springfield because it was allegedly closer for Parents and because an in-person hearing “places an unfair burden on the Advocate, who must be accompanied by a services dog and that is unavoidable… travel would subject [her] elderly dog to a 10-12 hour strenuous day, in a very stressful, high-emotion hearing,[[5]](#footnote-5) which simply put is cruel”.

The District argued that the confidentiality and privacy concerns of holding a public hearing virtually/online outweigh any prejudice to the Advocate’s having to appear in person – whether in Malden, Springfield or elsewhere. The District further states that if the Hearing is open to the public, it should be held at a location agreeable to both parties. If not in Malden, then that location should be Worcester, which is closer to where Parents reside, rather than Springfield (which is where an advocate’s office is located).

Nothing in the Advocate’s Motion for a Public Hearing to be held virtually or in a specific geographical venue relates to any hardship, impediment, health or disability-related needs of Parents or Student[[6]](#footnote-6) (who reside approximately 50 minutes from Malden, MA). Rather, the concerns raised appear to involve the needs of the advocate’s service dog. In this regard, I direct that the advocate’s request for accommodations be made to James Rooney, First Magistrate, Division of Administrative Law Appeals.

Parents’ public Hearing will be held in person at the offices of DALA/BSEA, 14 Summer St., Malden, MA, on October 9, 2025, at 10:00 a.m.

1. **School’s Request to Shorten the Timeline for Parents to Respond to Discovery Requests**:

On September 5, 2025, following Parents’ September 4, 2025, request to postpone the hearing to October 9, 2025, the District served Parents with discovery requests, and further requested that the BSEA set a shorter timeline for Parents’ responses. Parents objected to any timeline shorter than the typical 30 days allowable under Rule 5.B of the *Hearing Rules for Special Education Appeals* (Hearing Rules), which would necessitate an even further postponement of the Hearing. Except for objecting to Document Request #11, Parents did not raise any other objections to the District’s discovery requests.

First, I address Parents’ objection to setting a shorter timeline on discovery responses and the Advocate’s argument that compliance with discovery necessities postponement of the hearing beyond October 9, 2025.

Rule 5.B of the Hearing Rules authorizes a BSEA hearing officer to establish a shorter or longer timeline to respond to discovery requests. Given that the scope of the Hearing in the instant matter is so narrow, that the District’s discovery requests are not onerous, that the Parties agreed to proceed to Hearing on October 9, 2025, and that exhibits and witness lists are due by the close of business on October 2, 2025, shortening the timeline is warranted. Moreover, Parents have been on notice of the District’s discovery requests since September 5, 2025.

The District’s request to shorten the timeline for Parents to produce their responses to discovery requests is **ALLOWED**. Parents’ responses are due by the close of business on **September 29, 2025**.

Parents’ second objection involves communications between one (or both) advocates and Parents.[[7]](#footnote-7) Although not specifically stated, the objection to releasing communications between the advocate and Parents, appears to be related to the District’s Document Request #11[[8]](#footnote-8).

The record shows that Ben Tobin, first advocate for Parents, filed an appearance on or about August 12, 2025. Mr. Tobin, participated in conference calls, was involved in scheduling the Hearing, and has emailed the Hearing Officer and the District’s attorney on several occasions. He did not file any objections to discovery requests. On or about August 28, 2025, Kelley LaRoe filed an appearance on behalf of Parents as second chair. Later that day she participated in a conference call with this Hearing Officer, during which, as a result of her unavailability on what was to be the first day of hearing (September 19, 2025), the Parties agreed to a one-day hearing on October 9, 2025. Ms. LaRoe has made additional submissions since filing her appearance.

Both of Parents’ representatives are lay advocates, not attorneys. Therefore, while neither may invoke privileges reserved for attorneys, including the attorney-client privilege, they may invoke work-product protection, limited to disclosure of documents and communications prepared in anticipation of litigation.[[9]](#footnote-9)

Here, the District filed its Hearing Request on August 8, 2025. The sole issue articulated in the request involves the district’s assertion that its evaluations are comprehensive and appropriate and therefore, Parents are not entitled to public funding for independent evaluations. As such, communications between Parents and the advocates from the date of receipt of the District’s Hearing Request regarding said issue may be considered work product and not subject to discovery.

1. **District’s Objections to Parents’ First Set of Interrogatories & Motion for Protective Order**:

While noting that it is willing to work with Parents to resolve discovery disputes, the District generally objects to Parents’ First Set of Interrogatories on the basis that they are overly broad, unduly burdensome, lacking in specificity regarding periods of time covered by the requests and that they “seek information which is not reasonably calculated to lead to the discovery of admissible evidence”. Moreover, the District objects to interrogatories seeking information that would infringe on the attorney-client and/or work product privileges, and that seek to elicit information regarding students other than Student. The District requests issuance of a protective order.

Upon review of the District’s submission, I find that the District is correct that Parents’ Interrogatories 1, 3, 5, 6, 7, 8, 10, 11, 13, 14, 16[[10]](#footnote-10), 18, 19, 20, 21 and 24 are objectionable for the reasons stated in the District’s individual objections. Several of these requests seek information wholly irrelevant to the extraordinarily narrow issue before me and are not reasonably likely to lead to the discovery of admissible evidence. As such, the District’s objections are **SUSTAINED** with regard to Interrogatories 1,3, 5, 6, 7, 8, 10, 11, 13, 14, 16, 18, 19, 20, 21 and 24.

Specifically, as to Interrogatories #2 (seeking information inclusive of the educational profile of each peer in Student’s classes), #15 (seeking information and explanations regarding Student’s siblings) and #23 (eliciting information regarding statements by a staff in connection with Student’s sibling), the District’s objections are **SUSTAINED**.

Regarding Interrogatory 22, the District shall provide a response to the first part of the Interrogatory, but its objection as to the part of the request seeking a description of how the District reports child find and eligibility data to the state is **SUSTAINED**.

Thus, with the exception of the first part of Interrogatory #22, the District’s request for a protective order as to the balance of the Interrogatories to which it objects is **ALLOWED**, and the District need not respond to those. The District shall provide its responses to the surviving portions of Parents’ Interrogatories by the close of business on **September 29, 2025**.

Given the proximity to the Hearing, the Parties are encouraged to confer, and in good faith, exchange information related to the issues for Hearing. All communications between the Parties shall adhere to the rules of decorum befitting legal proceedings. The rules of decorum shall also be observed by all participants during the hearing.

Lastly, on September 5, 2025, Parents’ advocate requested a copy of the “ruling” clarifying the issues for hearing. No such ruling exists. Parents are directed to the District’s August 8, 2025, Hearing Request and paragraph #1 of the District’s Opposition to Parents’s Motion to Postpone and for Public Hearing.

So Ordered by the Hearing Officer,

Rosa I. Figueroa

Rosa I. Figueroa

Dated: September 16, 2025

1. The District inquired whether a more formal motion requesting shortening of the timelines on discovery responses should be filed. Under normal circumstances the answer would be yes. However, in the interests of time, given that the Hearing is scheduled for October 9, 2025, I will accept the District’s letter and Parents’ advocate’s email response in lieu of a more formal filing. [↑](#footnote-ref-1)
2. Parent has two advocates in this matter and the advocate sitting in as “second chair” wrote the email. [↑](#footnote-ref-2)
3. The date of Parents’ filing of their First Set of Interrogatories is unknown. [↑](#footnote-ref-3)
4. Procedural pre-conditions are required by the BSEA, confirming that parents/student are “making a knowing and voluntary waiver of all confidentiality, privacy and student record protections that they, on behalf of themselves and their minor or incapacitated child, are otherwise entitled to in a closed hearing. They also fulfill the hearing officer's obligations to ensure both an orderly presentation of the evidence, and that appropriate decorum and order are maintained during such hearings.” *In Re: Braintree Public Schools, Ruling on Requests by Parent*, BSEA # 2511326 (Mitchell 4/25/2025). [↑](#footnote-ref-4)
5. I note that the sole issue in this matter involves funding/reimbursement for independent evaluations. [↑](#footnote-ref-5)
6. See *In Re: Braintree Public Schools, Ruling on Requests by Parent*, BSEA #2511326 (Mitchell, 4/25/2025). [↑](#footnote-ref-6)
7. “I will be responding, but simply put, NO, the Hearing has been filed over a month and you had time to file discovery CHOSE NOT TO. Specific to asking for anything to do with MY communication, you will NEVER have the right or access to it…”. (Advocate’s response of September 5, 2025). [↑](#footnote-ref-7)
8. Document Request #11: “All documents concerning any communication, including electronic communication, between Parents and/or [Student], or on which Parents and/or [Student] were included/ copied, and the non-attorney advocates working on behalf of Parents and/or Student, including but not limited to communication(s) with Ben Tobin and/ or Kelly LaRoe.”. [↑](#footnote-ref-8)
9. See *Dorian v. Waltham P.S*., BSEA 1702306, 23 MSER 187 (Reichbach, 7/20/17). [↑](#footnote-ref-9)
10. Interrogatories #16 and #19 seek information regarding conversations and deliberations with DESE employees. DESE is not a party to the instant proceeding and the information sought is irrelevant to the issue before me. [↑](#footnote-ref-10)