Bureau of Special Education Appeals (BSEA) Advisory Council

Monday, March 18, 2024, 10:00 am - 12:00 pm

Hybrid Meeting

MINUTES

# **Attendance:**

*council Members Present*: Kate Lipper-Garabedian, Co-Chair; Alyndra Canty, Co-Chair; Pamela Nourse, representing the Massachusetts Association of School Committees; Ruth Diaz, representing the Federation for Children with Special Needs; and Attorney Stefanie Krantz, Senior Attorney for the Disability Law Center. Additionally, Attorney Janine Solomon, Managing Attorney for the Massachusetts Advocates for Children and Carla Jentz, Executive Director of the Massachusetts Administrators of Special Education joined the meeting after it started.

*Council Members Absent*: Attorney Michael Long, Counsel for the Massachusetts Association of School Superintendents.

*Invited Guests/Panelists*: Reece Erlichman, Director (BSEA); Myrto Flessas, Coordinator of Mediation and Facilitation (BSEA); Marguerite M. Mitchell, Hearing Officer (BSEA); Rebecca Stone, Mediator (BSEA); Russell Johnston, Acting Commissioner (DESE); Natalie S. Monroe, Chief Administrative Magistrate (DALA); Iraida J. Alvarez, Acting Deputy Commissioner (DESE).

*Additionally, 2 American Sign Language Interpreters provided interpretation support throughout the duration of the meeting.*

Total Attendance: 21 Virtual Attendees, 12 Panelists, 4 In Person Attendees

*Public Input Participants*: Attorney Collins Fay-Martin; Andrea MacGovern, Kelly LaRoe; Tami Joia; Cynthia Moore; Marilyn Andrews; and Megan Shibley.

# **Agenda:**

1. Welcome and Agenda Review
2. Member Acknowledgments
3. Approval of Minutes for January 2024
4. Public Comment Period on BSEA Documents

*Short Break*

1. Public Comment Period Continues
2. Initial BSEA Advisory Council Member Feedback on BSEA Documents (time permitting)
3. Next Steps/Closing

## **I. WELCOME AND AGENDA REVIEW**

*Co-Chairs Kate Lipper-Garabedian and Alyndra Canty began the meeting at approximately 10:02 am.* They advised that the meeting was intended to be devoted to the BSEA receiving verbal public comment on documents it has recently issued for public comment.

## **II. MEMBER ACKNOWLEDGEMENTS**

Members reintroduced themselves noting the agencies they represented. Additionally Acting Commissioner Russell Johnston introduced Ms. Iraida Alvarez and advised that she would be serving as his designee on the Council for this and future meetings. Ms. Alvarez thanked the Council for their welcome.

# IV. APPROVAL OF MINUTES FOR JANUARY 2024

*On a Motion made by Ms. Pamela Nourse, seconded by Ms. Ruth Diaz, and so voted unanimously, the January 29, 2024, minutes were approved as drafted.* They will be posted on the Council’s webpage.

## **IV. and V. PUBLIC COMMENT PERIOD ON BSEA DOCUMENTS**

Co-Chair Libber-Garabedian began by explaining that as a result of the US Department of Education’s Office of Special Education Programs (OSEP) regularly scheduled monitoring review of the Commonwealth’s implementation of IDEA, the BSEA intends to revise and in the case of the BSEA Mediation Manual, to develop, certain specific documents it uses to conduct its protocols. The BSEA has invited the public and members of the Council to provide comment on these revisions and the new BSEA Mediation Manual prior to their adoption.

This meeting is devoted to receiving public comments to these documents. The format to be followed is that any member of the public who is attending and wishes to speak will have 3 minutes to present comments. If the public member is attending virtually and wishes to speak the member will be promoted into the virtual “room” and provided with 3 minutes to present comments. There may be a second bite at the apple for all public speakers if time allows. Oral comments can be followed up in writing for one additional week, through March 25, 2004. As the chat feature of the webinar was disabled, virtually attending members of the public should use the raised hand option or the Q&A option to indicate they wish to speak.

Public comments were then received as follows:

Attorney Collins Fay Martin commented to advise that she is a special education attorney who practices before the BSEA and is a parent of a disabled child. She began by noting that as her comments that will take more than 3 minutes, she plans to supplement her presentation with written comments. She questioned the statement that the OSEP review was regularly scheduled claiming she was not aware of any prior OSEP review. She suggested an OSEP review was unprecedented during the current BSEA Director’s tenure because she recalled the current BSEA Director explaining at the last Council meeting that she had reviewed the OSEP reviews conducted in other states to prepare for OSEP’s review of the Commonwealth. Attorney Fay Martin also advised that OSEP sent a letter to DESE on September 29, 2023, informing DESE it will be investigated for not adhering to IDEA requirements especially with regard to its PRS process. Attorney Fay Martin believes this OSEP review to be a function and extension of the DESE review to include investigation of the BSEA, as had been requested by the “advocates” who were behind the OSEP investigatory review of DESE. Attorney Fay-Martin also explained that in 2010 then-DESE Commissioner Mitchell Chester moved the BSEA from DESE to DALA and thereafter, oversight of the BSEA was lost, and the BSEA proceeded to run independently. It was not until this Council was created a year ago, upon the advocacy of OpenCommonwealth.com, that any oversight of the BSEA has occurred since it has moved to DALA. Finally, regarding the BSEA Reference Manual, Attorney Fay Martin noted that she finds the information related to settlement conferences on page 5 to be a violation of rights and discriminatory against parents who are not represented before the BSEA. She believes that the BSEA and a private law firm, she referred to as “MHTL” developed the settlement conference process together to exclude *pro se* parents because, according to Attorney Fay Martin, they believe *pro se* parents are not sophisticated enough to participate. Instead, *pro se* parents’ only resolution option is to participate in a Pre-Hearing Conference with the assigned Hearing Officer. Attorney Fay Martin is concerned that this Pre-Hearing Conference option forces the parties to negotiate settlements in front of their Hearing Officer, which is prejudicial. *Pro se* litigants should have the same rights as represented parties.

Andrea MacGovern commented to advise that she agrees with Attorney Fay-Martin. She is a practicing advocate and has experienced what Attorney Fay-Martin described. She also has serious issues with PRS trying to strongarm two of her clients to drop complaints they had filed as recently as this past Friday. Although OSEP is coming in to investigate, things are still not improving. She believes all processes should be developed to ensure parents (rather than lawyers) have access to due process complaints.

Kelly LaRoe commented to advise that she has reviewed the proposed documents and has “concerns” as she finds the changes to be more beneficial to districts and to take away parent rights. Ms. LaRoe is concerned with the revisions to the Hearing Rules that indicate that if a Parent does not appear at the Resolution Session then the Hearing Request can be dismissed. This revision does not seem fair, because if the District refuses to participate in the Resolution Session, a Parent’s only option is to proceed with the hearing, however, in her experience she has only had 1 Hearing Officer agree to go forward with the Hearing if there is no Resolution Session held. She is concerned that there are “no reprecussions” to Districts if they do not participate in Resolution Sessions. She also pointed out the provisions in the documents that indicates Pre-Hearing Conferences should not be used to delay a Hearing, and noted that in her experience they are so used, providing an example of a current matter she is involved in. She finds the request for a Pre-Hearing Conference to be a delay tactic against Parents. Finally, she noted her concerns with learning that there are a few advocates who do participate in Settlement Conferences, indicating that she thinks this is “preferential treatment” for some advocates have not been allowed to so participate. She explained that although she has never been denied participation in a Settlement Conference by the current BSEA Director, Hearing Officers have prohibited her from pursuing this option. She concluded her remarks by advising she will submit written comments and wishes to speak again if time permits.

Tami Joia commented to advise that she has been an advocate for over 30 years. She has many issues with how the Hearing Officers conduct hearings, in ways she finds to be very prejudicial to her clients’ cases. She is concerned that in her experience, Districts do not explain to Parents why they want to have Pre-Hearing Conference/Conference Calls and Hearing Officers only provide a “cut and paste” definition of a Pre-Hearing Conference when asked to explain why it is being held. This has prohibited her from being able to properly prepare for these events. She also objects to Districts being allowed to bring witnesses to Pre-Hearing Conferences who are given the opportunity to explain themselves to a Hearing Officer without being sworn in or subjected to direct or cross examination without a court reporter present. She believes the BSEA should not allow Pre-Hearing Conferences during Conference Calls as this is a violation of parents’ due process rights to present witnesses, engage in direct and cross examination and to have a record made of the administrative action. Pre-Hearing Conferences should only be allowed if she is informed ahead of time who is attending, if all witnesses are sworn in and if a court reporter is present. Ms. Joia also questioned why certain attorneys get “extra special treatment” and suggested that there is a “special relationship” between some attorneys and the BSEA. She referenced text message information between attorneys and the BSEA Director she had reviewed in response to a public records’ request, that allegedly included messages about some of her cases. Ms. Joia concluded by advising that she likes this forum and requests there be more such forums going forward.

*Attorney Janine Solomon then joined the meeting.*

Cynthia Moore provided comments about the Mediation Manual and the Pro Se Guide and “echoed” comments made earlier about the state complaint system, PRS. Regarding the Mediation Manual, she believes that mediations should be free to families and that the state should bear the cost burden. Currently, parents have the right to have mediation agreements reviewed by an attorney before they sign them, without the attorney being a part of the mediations. However, the Mediation Manual indicates that parents must bring the attorney to the mediation if they want to have that attorney review the agreement. Parents may not able to afford to have attorneys attend a full mediation. Many attorneys also will agree just to review an agreement for a lesser fee or on a *pro bono* or flat rate basis. Ms. Moore believes that requiring attorneys to attend the entire mediation to be able to review a mediation agreement for a family is cost prohibitive and creates a further barrier to educational justice. Regarding the Pro Se Guide, she finds the information contained within it to be insufficient to prepare a family to represent themselves at a hearing. Specifically, the Guide fails to identify the types of Motions that can be filed, what each Motion means, when it can be raised and how to respond to receiving a Motion, thereby making it harder for Parents to represent themselves. Overall, Ms. Moore feels the timelines in the Guide favor Districts, rather than giving deference to families. Culturally, she thinks this needs to shift as it is inconsistent with the spirit of the IDEA.

Marilyn Andrews commented to advise she is an advocate, and while she had attended this forum to take notes, she wanted to support Ms. Moore’s comments about Parents’ use of attorneys at mediations. Ms. Andrews works with 2 different attorneys, both of whom have told her they will not go to the mediation as they want parents to put their best face forward, and having an attorney in the room makes parents nervous. Rather, parties are more likely to work things out without attorneys present. She provided an example of a successful mediation experience she had wherein the “excellent” mediator allowed the parties additional time to reach agreement, as the mediator was checking on a question with her supervisor. Overall, it took a week to complete everything, and the Parent was provided with the TLC she needed “behind the scenes”.

*Ms. Carla Jentz then joined the meeting.*

No other members of the public wished to provide first-time comments, so a second round of comments began still adhering to the 3-minute time limit.

Kelly LaRoe commented for a second time. She advised that she is concerned that in the course of addressing preliminary matters in pending cases, issues raised in Hearing Requests that she believes to be under the BSEA jurisdiction are removed form consideration without “due weight” being given to the issues so removed. As an example, Ms. LaRoe spoke about student record issues and the COVID waiver, that have been removed from hearing requests as outside the BSEA’s jurisdiction, although OSEP was clear that the impact of COVID needed to be considered for all students including students with disabilities. She proceeded to discuss circumstances related to her son’s claims she brought before the BSEA. *Co-chair Lipper-Garabedian asked Ms. LaRoe to “connect” her case to the topic of the documents that needed feedback.* Ms. LaRoe indicated that COVID issues impacting kids with disabilities are issues under the BSEA’s jurisdiction and this needs to be included in the Hearing Rules. She reemphasized that dismissing issues before the hearing that she believes to be within the BSEA’s jurisdiction prohibits Parents from arguing these claims at hearing.

Attorney Collins Fay-Martin commented for a second time. First she raised concerns about supports she feels are needed for parents with limited English proficiency, and use of the BSEA by school districts as a delay tactic to avoid having to respond to PRS complaints. She provided details on a specific matter she was involved in before the BSEA. She also noted, as an aside, that the proposed revisions do not define the terms “interrogatories” or “depositions”. She further expressed concerns that there is no publicly available webinar of a “demo hearing”. The only “demo hearing” she is aware of is behind a “pay wall” produced by MCLE. She suggested that the Hearing Request form should allow a Parent to identify if they have a limited English proficiency and require all documents to be served in their native language. Further she believes that timelines in cases should not begin to run until Parents with limited English proficiency are served in their native language. Attorney Fay Martin then advised that she had reviewed an MCLE transcript wherein panelist Attorney Sowyrda advised practitioners not to be afraid to file with the BSEA even when jurisdiction may be lacking, such as on issues about disputes over Parents’ failure to consent to requests for initial eligibility evaluations. Attorney Sowyrda also advised that filing with the BSEA provides access to the Hearing Officers who are skilled and will be upfront and provide perspective to the dispute. Attorney Fay-Martin believes that some attorneys “have pull” and referred to the “weaponization of the BSEA.” Further, Attorney Fay-Martin noted how “daunting” it is to Parents when they receive a District-filed Hearing Request, particularly to Parents with day jobs who can’t afford an attorney and do not have direct access to the BSEA like school district attorneys do and how such parents “feel pressure” to sign documents. She suggests there should be a rule screening out cases in which parents are not properly served or who are not served in their language, or those involving claims for which there is an obvious lack of jurisdiction by the BSEA over claims.

Cynthia Moore commented for a second time. She advised she was surprised to see in the Mediation Guide that the timeline to get a mediation differs for mediations requested under Part C vs. Part B of the IDEA. She is concerned with what she finds to be a “lengthy delay to get access to justice”. She suggested that the normal length of delay to get a mediation after a request should start off as shorter than 2 weeks. Having 2 weeks as the norm just means there is a likelihood it is extended beyond that time, whereas starting with less time would make it more likely a 2 week delay occurs when the norm is extended. Ms. Moore also disagreed with mediators being regionalized, as she feels this can lead to bias and lack of neutrality by mediators. She suggested that mediator assignments be randomized, especially as mediations can take place over Zoom, as this will eliminate bias and provide greater reassurance to the public that mediation is truly a neutral option. She also discussed her confusion about the scope of a PRS review versus the jurisdiction of other dispute resolution procedures. She suggested the State develop a schematic that identifies the scope of authority and available dispute resolution procedures for all school-related concerns parents may have (e.g., discrimination or harassment in school, general education issues, teacher licensing issues). Such a resource could eliminate the frustration parents feel when they try to pursue claims before the wrong entity or pursue the wrong process. She suggested this information then could be shared by the BSEA mediators during mediation sessions, in the procedural safeguards documents published by the state, on the DESE website and at SEPAC meetings.

Tami Joia commented for a second time. She continued to discuss her concerns with the “so-called” Pre-Hearing Conferences and Pre-Hearing Conference Calls reiterating that she has attended many of these and no court reporters are ever present even if she asks for one to be present. Sometimes these proceedings can last 2 to 3 hours but at the end, she generally receives a two paragraph document that reflects the date and time for the hearing and “no other information”. Districts are given an “unfair advantage” because witnesses will attend these proceedings and explain things to the Hearing Officer related to the allegations about their actions. Ms. Joia always gets the impression that the Hearing Officer has a comfortable relationship with the district’s attorneys. Recently Ms. Joia was informed for the first time that what is said at a Pre-Hearing Conference remains at the Prehearing Conference. It is her opinion that Pre-Hearing Conferences only benefit Districts as there are no rules governing this process and anything shared cannot be brought up in Court later on. Ms. Joia noted that in Court cases Pre-Hearing Conferences occur before a judge and a stenographer. However, although Ms. Joia thinks Hearing Officers like to treat the BSEA process as a court and to act like judges, they do not allow Parties to BSEA cases to get all the access that parties get in a courtroom. She then advised that she finds the Pre-Hearing Conference rules to be “stupid”. Going forward she intends to only attend Conference Calls for which she is given specific information as to who is attending and why, and that will have a court reporter present. Ms. Joia advised that there is no requirement that she attend a “Pre-Hearing Conference Call” because a District requested it, again advising that if a Parent appeals a BSEA decision, the record does not reflect what takes place at Pre-Hearing Conferences. However, she also noted that assembling a record for an appeal is a big burden on Parents (she credited PACER for assisting Parents in doing this). She concluded her comments by demanding to know the regulation providing that what is said at a Pre-Hearing Conference cannot be shared outside that proceeding.

*\*A short break then occurred from 10:59 a.m. – 11:10 a.m.\**

Upon return from the break, Co-Chair Lipper-Garabedian advised that she saw there were 20 virtual attendees. She encouraged anyone who had not yet spoken to do so. No one came forward virtually or in person. Co-Chair Lipper Garabedian posed to the Council the option to move forward with the next agenda item of having Council members provide initial feedback, wait for any new speakers to come forward, or allow members of the public who have already commented twice to be given more time to speak. She noted that because this meeting is serving as a period of public comment, it cannot end before the posted end time. *Attorney Stefanie Krantz, Attorney Solomon and Ms. Nourse all indicated they were interested in taking this opportunity to continue to hear from anyone attending who wanted to speak, even if they already have done so twice, in order to “get as much feedback” as possible.* Based on the will of the group, Co-Chair Lipper-Garabedian advised that the remaining time for the meeting would be used to obtain additional feedback from any member of the public who wanted to provide it, regardless of whether they had spoken twice or not.

Attorney Collins Fay-Martin commented for a third time. Regarding the Mediation Guide, she noted she will be submitting her comments in writing; however, she wanted to clarify this was a new document that did not previously exist and continues not to exist as it has yet to be approved. She then explained that it is her experience that both mediation and settlement agreements typically include a provision that involves waiving all future claims, not just claims within the BSEA’s jurisdiction. She feels this type of a provision oversteps the authority of the BSEA. While she recognizes that the IDEA prohibits the recovery of Parent attorney fees if there is a settlement or mediation agreement reached, Parents should still be able to recover remedies under other claims such as loss of consortium. Thus, she requested that the Mediation Guide include a provision explaining that if a party is being asked to waive all claims as part of a mediation agreement, this includes tort claims that the party may otherwise have rights to pursue or which may otherwise allow for the collection of attorney fees, outside of a BSEA-jurisdictional claim. Attorney Fay-Martin then shared several practice-based comments and suggestions she had. First, she encouraged the BSEA to consider offering a “Lawyer of the Day” service. Attorney Fay-Martin noted she would volunteer weekly to participate in this, as she expected many of her counterparts to do as well. Second, she questioned why stenographers must be requested in writing. She indicated that Parents, especially *pro se* parents, will likely forget to do this. Without a stenographer there is no written record. A written record is necessary if a Parent wants to appeal. As hearings typically last multiple days and they are not usually consecutive, there is often plenty of time for Parents to review the record from the first day of hearing in preparation for the second day of hearing. She suggested making the provision of a stenographer automatic and instead allowing parents to waive this in writing. Third, Attorney Fay-Martin believes that Pre-Hearing Conferences should not be used to discuss substantive matters unless both parties agree, and that all discussions at Pre-Hearing Conferences should be on the record and recorded by a stenographer. She asserted it is prejudicial to have off-record unsworn testimony given by district witnesses to the Hearing Officer, as it creates an impression in the mind of the Hearing Officer and overcoming that impression at hearing is an uphill battle. She provided an example involving one of her current pending matters at the BSEA.

Megan Shibley commented to advise that she is a Parent and believes she assisted in OSEP deciding to send the September 29, 2023 investigatory notice letter to DESE. Her child’s case was before the BSEA and she feels the BSEA failed and continues to fail her child. She feels the BSEA only hears what it wants to hear and is not a stakeholder in a child’s education. While special education law is not her area of expertise, the process required her to become an expert and affected her financially, professionally and socially. She also believes she has been retaliated against and continues to be retaliated against by the District for engaging in the dispute resolution process. Regarding Pre-Hearing Conferences, Ms. Shibley advised that the whole process is confusing to Parents and she believes they are only an opportunity for school attorneys to add on billable hours. She believes the BSEA is just another piece of a broken and rigged system against Parents, concluding her remarks by explaining that Parents are usually the only persons at a hearing who are not being paid to be there, and they typically have to take off work to participate.

Kelly LaRoe commented for a third time. She advised she feels there are flaws and miscommunication within and between the BSEA and the State. Children with disabilities become adults with disabilities. She was concerned that there are not any procedures at the BSEA for people who require reasonable accommodations to request these accommodations, and none of the manuals contain this information. Specifically, she referenced being told to pursue reasonable accommodation requests with the individual Hearing Officer. Doing so forces her to disclose her disability to everyone involved in the case which she finds “de-humanizing” as she is trying to support parents with disabilities who have children with disabilities. She then discussed in detail the process she had to follow to request a memory aid of being able to record proceedings and her concerns with how it was handled by DALA and the BSEA. She also noted, as an aside, that prior to today’s meeting, she had never seen the BSEA use ASL interpreters. She reiterated that the BSEA does not allow reasonable accommodations to be given to participants in hearings, and this results in parties who struggle taking notes and listening at the same time to be at a disadvantage. Ms. LaRoe then proceeded to discuss her son’s case further, but upon being reminded by Co-Chair Lipper Garabedian not to speak about individual student issues, Ms. LaRoe concluded her comments by noting that she feels the procedure at the BSEA is the same as at DESE and that “there are no reasonable accommodations for dealing with PRS”. Although the BSEA is supposed to be separate from DESE as a result of moving to DALA, she does not think this has occurred, alleging that DESE gives DALA 7 million dollars annually for the BSEA, and this “comingling” of funds causes the BSEA to be biased in favor of DESE.

Tami Joia commented for a third time. She explained that historically the BSEA was part of DESE as far back as 1992. In 2008-2009 it was found that having BSEA Hearing Officers be employees of the “state” was a violation of IDEA, and OSEP ordered the BSEA to find another agency to provide it with oversight. As a result, the BSEA transferred to DALA, but even though there was a new address the same Hearing Officers remained in place. She is concerned now to learn about a specific DALA employee being involved in matters who has informed her he does not know about the BSEA or the Hearing Rules. She feels there is very little oversight of the BSEA or its Hearing Officers by DALA, and asserted there were “shenanigans” occurring. She claims that Hearing Officers are friends with school attorneys who have direct access to the BSEA Director’s phone number that advocates do not have. She has also experienced Hearing Officers sometimes giving legal advice to districts, and although she thinks Hearing Officers feel like they are judges, they do not have the same oversight as judges. There is no process for people to file complaints against a Hearing Officer and get a real investigation. In her experience, if a complaint is filed, it results in a one-page response. She feels DALA needs to be at the table. She questioned if anyone from DALA was present and Co-Chair Lipper Garabedian confirmed that someone was present but reminded Ms. Joia this is not a dialogue just a public comment period. Ms. Joia then advised that she intends to contact OSEP to find out why the BSEA does not have a process for filing a complaint against a Hearing Officer, as there are rules that Hearing Officers must follow, and if they do not do that there should be a process in place to challenge this. Hearing Officers need to be checked and to “know what their lane is”. BSEA procedures should not be a big secret or follow a “what happens in Vegas” approach. By not having a process to investigate Hearing Officers, the entire BSEA proceeding is not fair, especially as there are ways to file for investigations against judges, and in her opinion for 7 million dollars a year, a process needs to be in place to investigate Hearing Officers. Finally, Ms. Joia advised that she is offering trainings to her clients and others right now about how to file a complaint against a Hearing Officer. She concluded by indicating that she believes she was also one of the people behind OSEP’s September 29, 2023, investigation notice letter sent DESE, at least she “thinks so. It looks like my case”.

Attorney Collins Fay-Martin commented for a fourth time. She noted that she had put into the Q & A links to the letter OSEP sent to then DESE Commissioner Mitchell Chester about the BSEA moving to DALA, as well as OSEP’s September 29, 2023 investigation notice letter sent to then Deputy Commissioner Russell Johnston. Attorney Fay-Martin then offered the following specific comments to the revised documents. Regarding page 9 of the Hearing Rules and also the BSEA Reference Manual, she noted that there is no clear definition of what “summary judgment” is. All that is noted is that if it is awarded, a Hearing Officer will close the case. Instead, she suggested that the language should indicate that the Hearing Officer will “rule in favor of one party or the other and close the BSEA case.” Further, regarding the definition of “venue”, she wanted to clarify the rules around determining if it is in person or virtual. Is this decision up to the Hearing Officer if there is no agreement, or is at the option of the Parent? Regarding reasonable accommodation requests, she did not find any reference in any of the documents about the process an adult can follow to ask for a reasonable accommodation. While the BSEA Reference Manual talks about accommodating requests on page 6, there is no appropriate or legally adequate process to handle them. She proceeded to discuss in detail her own experiences and concerns with the process she underwent to request a reasonable accommodation for herself from both the BSEA Director and DALA to bring her own notetaker or stenographer to BSEA proceedings. She noted she is a solo practitioner who provides her services at a significant discount, and she should not have to fund a stenographer at a Pre-Hearing Conference. Her accommodation request was denied, but this was not done in writing. Although she has requested to receive any policies or procedures to make reasonable accommodation requests at the BSEA, this has not been provided and does not exist.

*The Council then started to discuss next steps, but a final chance was given to Council members or anyone else from the public to speak.*

Cynthia Moore commented to advise that she put a survey result in the Q&A that was conducted through Facebook for families with disabilities. It indicated that 37% of respondents spend over 15 hours a month addressing disability needs; 52% have had to take time out of work to address special education matters; 52% have spent over $10,000.00 to pursue special education issues; 4% have spent over $100,000.00 to pursue special education issues and 50% expect to experience retaliation. She provided this for purposes of context relating to the experience of families for consideration in the adoption of policies and procedures. She thanked the Council for their generosity in providing this time today for public comment.

**VI and VII. INITIAL BSEA ADVISORY COUNCIL MEMBER FEEDBACK ON BSEA DOCUMENTS (time permitting) and NEXT STEPS/CLOSING**

*Co-Chair Lipper-Garabedian then advised that the next meeting will be Monday May 6, 2024 from 10:00 a.m. to 12:00 p.m.*

Ms. Nourse spoke to indicate that she appreciated the feedback given today and she felt very important points were raised.

Co-Chair Lipper-Garabedian reminded participants that the deadline to submit written comments on the proposed revised and new documents was March 25, 2024.

Tami Joia commented for a fourth time to ask what the next steps would be after all this discussion. She wanted to know if there was any plan to act on what was shared or if this was just a means to “vent”. She hoped it was more than that.

Co-Chair Lipper-Garabedian advised she would answer this question; however, as this is public comment meeting there is no obligation to do so. She explained that the Council decided at its January meeting for today’s meeting to be an opportunity to hear public comment on the BSEA documents under review. The Council also decided that its next meeting on May 6, 2024, will be for the members of the Council to have the opportunity to give their feedback and reflections on the record about these BSEA revisions and the proposed new document as well as about the public comments the BSEA received. As the May meeting is a public meeting, members of the public are invited to attend and observe. The BSEA will also provide its plan of action with regard to all oral and written comments it received and how it will track any changes it plans to make to the documents under review.

Co-Chair Canty confirmed that the purpose of both meetings is to provide feedback on the 5 documents under review.

Attorney Krantz confirmed that May 6 will be the opportunity for members of the Council to give feedback on what they heard, and they are not held to the March 25, 2024 deadline.

Tami Joia commented for a fifth time to ask what documents were being referred to.

Co-Chair Lipper-Garabedian advised that the documents involved can be found on the Council’s webpage under the meeting link with today’s date. They are accessed by scrolling down when you click on the meeting link. They have been prepared in multiple languages. These are documents that OSEP will be reviewing in its visit, and the purpose of today’s meeting, as indicated on the agenda, was to obtain oral public comment on them.

*On a Motion made by Co-Chair Canty seconded by Ms. Nourse, and voted unanimously, the meeting adjourned at 11:58 a.m.*