**NOTICE OF PUBLIC COMMENT**

**PROPOSED AMENDMENTS TO HEARING RULES FOR SPECIAL EDUCATION APPEALS**

* Published to solicit public comment: **September 17, 2018**
* Period of public comment: **through Monday, November 17, 2018**
* Final adoption by the Division of Administrative Law Appeals/Bureau of Special Education Appeals and the Department of Elementary and Secondary Education anticipated: **December 17, 2018**

Pursuant to its authority under M.G.L. c. 71B and its implementing regulations, 603 CMR 28.00; the federal Individuals with Disabilities Education Act, 20 U.S.C. 1401 *et seq.* and its implementing regulations, 34 CFR Part 300; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 and its implementing regulations, 34 CFR Part 104, to resolve educational disputes and ensure due process rights of students, parents, and public schools; and in accordance with the Administrative Procedure Act, M.G.L. c. 30A, the Division of Administrative Law Appeals (DALA)/Bureau of Special Education Appeals (BSEA) and the Department of Elementary and Secondary Education (DESE) are soliciting public comment on proposed amendments to the Hearing Rules for Special Education Appeals.

Copies of the proposed amendments are available on the [DALA/BSEA’s web site](https://www.mass.gov/orgs/bureau-of-special-education-appeals) or by calling 617-626-7250.

Written comments on the proposed amendments may be submitted by mail to: Reece Erlichman, Director, BSEA, One Congress St., 11th floor, Boston, MA 02114; by fax to: 617-626-7270; or by email to **bsea.director@mass.gov**

The DALA and the DESE are expected to adopt final rules by December 17, 2018 following the review of public comment. **The deadline for submission of public comment is November 17, 2018.**

Additionally, a **public hearing for interested parties will be held on November 5, 2018 from 4:00 PM to 7:00 PM, at the Department of Elementary and Secondary Education’s offices, 75 Pleasant Street, Malden, Massachusetts 02148**. All members of the public are invited to attend this hearing and present comment to representatives of DALA/BSEA and DESE.

If you wish to participate in the public hearing and require accommodations, please inform the BSEA in advance of the hearing date so that appropriate arrangements can be put into place. To request accommodation, please contact the BSEA by mail at: Reece Erlichman, Director, BSEA, One Congress St., 11th floor, Boston, MA 02114, by fax to: 617-626-7270, or by email to **bsea.director@mass.gov**

The proposed rules changes are in response to the results of differentiated monitoring and support (DMS) activities conducted by the U.S. Department of Education’s Office of Special Education Programs (OSEP) during an on-site visit to the Massachusetts Department of Elementary and Secondary Education on May 8-10, 2017. As part of its engagement with Massachusetts, OSEP is providing targeted monitoring and support to assist Massachusetts in improving its dispute resolution system.

On February 2, 2018, OSEP issued a [letter](http://www.doe.mass.edu/sped/osep/) summarizing the results of its monitoring with regard to Massachusetts’ dispute resolution system (insert link) and requiring corrective actions to address the identified findings of noncompliance.

On June 1, 2018, the BSEA, through the DESE, [responded](http://www.doe.mass.edu/sped/osep/) to OSEP with proposed changes to the Hearing Rules for Special Education Appeals to address certain findings of noncompliance. These proposed rule changes appear in redlined format in the attached Hearing Rules for Special Education Appeals document. Text in current rules that is proposed to be deleted is identified in red by ~~strike out~~ and proposed new text is blue and underlined. Attached here also is a version of the proposed rules changes without markup.