

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS
BUREAU OF SPECIAL EDUCATION APPEALS**

In Re: Student & Springfield Public Schools

BSEA # 2208440

**RULING ON PARENT’S MOTION FOR SANCTIONS FOR RESOLUTION MEETING
VIOLATIONS AND DENIAL OF PARENTAL MEANINGFUL PARTICIPATION IN
THE RESOLUTION MEETING**

This matter comes before the Hearing Officer on Parent’s *Motion for Sanctions for Resolution Meeting Violations and Denial of Parental Meaningful Participation in the Resolution Meeting (Motion)*, filed with the Bureau of Special Education Appeals (BSEA) on May 10, 2022.

On May 12, 2022, Springfield Public Schools (the District or Springfield) filed *Springfield Public Schools’ Opposition to Parent’s Motion for Sanctions, for Resolution Meeting Violations and Denial of Parental Meaningful Participation in the Resolution Meeting (Opposition)*.

For the reasons articulated below, the Parent’s *Motion* is **DENIED**.

FACTUAL BACKGROUND AND RELEVANT PROCEDURAL HISTORY¹

1. Student is a fifth-grade student in the Springfield Public Schools (the District). Student’s IEP reflects communication and health disabilities. .
2. On April 26, 2022, Parent filed a Request for Hearing with the BSEA alleging, in part, that Student was improperly suspended from school, that “the District violated Parent’s rights by moving forward with [an] IEP meeting without Parent,” and that the District “failed to update and implement Student’s IEP.” Parent sought an order removing a suspension from Student’s record. She also requested compensatory services and “placement in a different school.”
3. On May 10, 2022, the District convened a resolution meeting.
4. The District’s attorney initially attended the resolution meeting, inquired whether Parent was bringing an attorney, and, when Parent answered in the negative, the District’s attorney departed.
5. In her *Motion*, Parent argues that the District should be sanctioned since it did not attend the resolution meeting “in good faith”, having no intention to settle the matter. In addition, the District “refused to answer any questions [Parent] had ... or to hear any [of Parent’s] suggestions [regarding resolution].” Parent also asserted that the District attempted to “intimidate” Parent by bringing an attorney to the meeting.
6. On May 12, 2022, the District responded with its *Opposition*, asserting, in part, that, at the resolution meeting, Parent’s advocate “began making false and inappropriate

¹ The information in this section is drawn from the parties’ pleadings and is subject to revision in further proceedings.

accusations against the Director (calling her a liar and asking if she was going to breach confidentiality).” Parent’s advocate also

“attempted to raise issues that had not been raised in the hearing request and overall escalated the tone and tenor such that the meeting was adjourned. The District attempted to ask the parent and advocate for suggestions for resolution but the constant arguing on the part of the advocate did not lead to a productive discussion. No resolution was reached.

In her motion, the parent suggests the District should be sanctioned because the parent was not permitted to speak or share her ideas for resolution. To the contrary, the parent's advocate essentially overtook the meeting with the behaviors described above but was unable to present her ideas in a way that allowed for much back-and-forth productive conversation. In any event, the fact that resolution was not reached at a Resolution Meeting is neither unusual or sanctionable in any way.

Further, the BSEA does not have jurisdiction to order the relief of sanctions that the parent is seeking in her motion.”

The District also asserted that the District’s attorney left the meeting as soon as Parent’s advocate objected to her attendance.

7. Also on May 12, Parent filed *Response to District’s Response to Motions (Response)* reiterating its position.

LEGAL STANDARD

The Individual with Disabilities in Education Act (IDEA) requires a school district to hold a resolution session within 15 days of receiving notice of a parent's due process complaint.² A resolution meeting is required unless both the parent and the district agree to waive it or agree to use the mediation process in lieu of the resolution meeting.³ The purpose of this requirement is to ensure that the parties have an opportunity to resolve the parent's complaint before heading to due process.⁴

The IDEA requires the attendance of "a representative of the [LEA] who has decision-making authority" at the resolution meeting.⁵ It should also include the parent and relevant members of the IEP team who have specific knowledge of the facts identified in the due process complaint.⁶ A school district may not bring its attorney to the resolution meeting unless the parent is

² See 20 USC 1415(f)(1)(B); 34 CFR 300.510(a).

³ See 34 CFR 300.510(a)(3).

⁴ See 34 CFR 300.510(a)(2); see also *Dispute Resolution Procedures Under Part B of the Individuals with Disabilities Educ. Act (Part B)*, 61 IDELR 232 (OSEP 2013).

⁵ 34 CFR 300.510(a)(1)(i).

⁶ See 34 CFR 300.510 (a)(1).

accompanied by an attorney.⁷ While the IDEA requires a parent's meaningful participation in the resolution meeting, the parents need not adopt a resolution proposed by the district.⁸

APPLICATION OF LEGAL STANDARD

After consideration of the parties' arguments and the applicable legal standards, the Parent's *Motion* is DENIED.

Parent argues for sanctions resulting from the District's alleged procedural violations at the resolution meeting convened on May 10, 2022. However, as stated by Hearing Officer Sara Berman in her *Ruling on Motions for Eight Items of Relief in In re: Student v. Springfield Public Schools*, BSEA # 2203555, "Neither federal nor state law include[s] any provisions allowing a hearing officer to impose sanctions or penalties on a school district that does not convene a resolution meeting."⁹ I agree with Hearing Officer Berman's analysis and determination in this regard. As such, Parent's request for sanctions against Springfield for any alleged procedural violations during the resolution meeting is denied, but Parent may re-assert same at hearing; and, "if Parent proves her allegations at a hearing, and, further, proves that the School's conduct deprived Student of a FAPE or prevented parent from fully participating in the IEP process, then she and/or Student might be entitled to compensatory services as a remedy."¹⁰

ORDER

Parent's *Motion for Sanctions for Resolution Meeting Violations and Denial of Parental Meaningful Participation in the Resolution Meeting* is DENIED.

So Ordered by the Hearing Officer,

/s/ Alina Kantor Nir

Dated: May 13, 2021

⁷ 34 CFR 300.510 (a)(1)(ii). See also *Letter to Lawson*, 55 IDELR 232 (OSEP 2010) (holding that the presence of a non-attorney representative in the resolution meeting does not trigger the district's right to bring in its attorney).

⁸ See *Letter to Irby*, 55 IDELR 264 (OSEP 2010) (holding that the IDEA simply requires that parents attend the resolution meeting regardless of the parents' intentions regarding settlement).

⁹ *In re: Student v. Springfield Public Schools*, BSEA #2203555 (*Ruling on Motions for Eight Items of Relief*) (Berman, 2022).

¹⁰ *Id.*