

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

**In re: Student v. South Hadley Public Schools**

**BSEA # 2311287**

**RULING ON SOUTH HADLEY PUBLIC SCHOOLS' CHALLENGE TO  
SUFFICIENCY OF THE HEARING REQUEST**

This matter comes before the Hearing Officer on South Hadley Public Schools' (District or South Hadley) May 23, 2023 pleading, *Response to Hearing Request*, in which the District challenges the sufficiency of Parent's complaint (Motion).

For the reasons set forth below, the District's Motion is hereby **DENIED**.

**RELEVANT PROCEDURAL HISTORY**

On May 15, 2023, Parent filed a Hearing Request in the above-referenced matter. In it she stated as follows:

"I'm requesting a BSEA hearing for my daughter [] who resides with both her parents [] in South Hadley, MA 01075.... [Student] is a student at Michael E Smith Middle School in South Hadley[,] MA.

South Hadley School District is the responsible party.

[A] BSEA Hearing is being requested after an IEP meeting, BSEA facilitated meeting and BSEA mediated hearing have been found to be not helpful. There is a BSEA mediation in place that continues to not be followed by the school district."

On May 23, 2023, the District responded, stating, in part, that "the parties had met multiple times to attempt to resolve rejected portions of the IEP, including through a BSEA facilitated IEP meeting and two (2) BSEA mediated meetings.... As part of the first BSEA mediated meeting on March 8, 2023, the parties entered into a mediated agreement (BSEA #2307544)." In addition, South Hadley asserts that Parent's "hearing request provides no details to support a finding that the BSEA Mediation Agreement has not been followed. South Hadley Public Schools argues that the filing lacks sufficient information to support a BSEA hearing." According to South Hadley, because Parent's "complaint is not supported by the facts and lacks sufficient details to proceed to hearing, ... the matter should be dismissed without prejudice."

**LEGAL STANDARD**

Pursuant to Rule IE of the BSEA *Hearing Rules for Special Education Appeals* (hereinafter "Hearing Rules"), "[i]f the hearing request does not contain the elements set out in Rule 1B, [the non-moving] party may file a written challenge to the sufficiency of the hearing request with the Hearing Officer and the other party(ies) within fifteen (15) calendar days of receipt of the

hearing request.” Rule I B of the *Hearing Rules*, which tracks the Individuals with Disabilities Education Act, § 615(b)(7)(A), 20 USCA § 1415(b)(7)A(ii), 34 CFR § 300.508(b), sets forth the required content of a hearing request as follows:

- “1. Name and address of student;
2. Name, address, and telephone number of:
  - (a) Person requesting hearing;
  - (b) Parent(s);
  - (c) Legal Guardian, if any;
  - (d) Individual given court-appointed educational decision-making authority, if any;
  - (e) Duly appointed educational surrogate parent, if any; and
  - (f) Individual with whom the child lives and who is acting in the place of the parent;
3. Relationship to student of person requesting hearing;
4. Name of programmatically and fiscally responsible school district(s) and/or name of state educational agency or other state agency(ies);
5. Name of the school the child is attending;
6. In the case of a homeless child or youth within the meaning of the McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), available contact information for the child and the name of the school the child is attending;
7. If applicable, the name, address, phone number, and fax number of the attorney or advocate representing the party who is requesting a hearing;
8. The nature of the disagreement, including facts relating to such disagreement;
9. A proposed resolution of the disagreement to the extent known and available to the party at the time.”

As with the Federal Rules of Civil Procedure, the purpose of the pleading rules under the IDEA is to provide fair notice to the opposing party. The United States Supreme Court has explained that the Federal Rules of Civil Procedure do not require a claimant to set out in detail the facts upon which he bases his claim. To the contrary, all the Rules require is a “short and plain statement of the claim” that will give the defendant fair notice of what the plaintiffs claim is and the grounds upon which it rests.<sup>1</sup> In addition, where a parent proceeds *pro se*, a Hearing Request should be construed liberally.<sup>2</sup> As the First Circuit explained in the context of summary judgment, “[t]he policy behind affording *pro se* plaintiffs liberal interpretation is that if they present sufficient facts [to state a claim], the court may intuit the correct cause of action, even if it was imperfectly pled.”<sup>3</sup> This principle aligns with “[o]ur judicial system [, which] zealously guards the attempts of *pro se* litigants on their own behalf” while not ignoring the need for compliance with procedural and substantive law.<sup>4</sup>

## **APPLICATION OF LEGAL STANDARD**

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<sup>1</sup> *Leatherman v. Tarrant County NICU*, 507 U.S. 163, 168 (1993).

<sup>2</sup> See *Ahmed v. Rosenblatt*, 118 F.3d 886, 890 (1st Cir. 1997).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

Here, the District asserts that Parent’s Hearing Request is insufficient as it “is not supported by the facts and lacks sufficient details to proceed to hearing.” In light of Parent’s *pro se* status, the Hearing Request must be liberally construed. When viewed through that lens, Parent’s Hearing Request meets the federal statutory requirements and the criteria articulated in the *Hearing Rules*.

Parent’s Hearing Request sets out the “nature of the disagreement, including facts relating to such disagreement,”<sup>5</sup> as Parent disputes the implementation of an executed Mediation Agreement. Parent has provided the District with a “short and plain statement of the claim”<sup>6</sup> and is not required to set out in detail the facts upon which she bases her claim. It is, moreover, clear from the District’s *Response to the Hearing Request* that South Hadley is aware of the Mediation Agreement at issue. Although Parent does not specifically set out a “proposed resolution of the disagreement to the extent known and available to the party at the time,”<sup>7</sup> her complaint clearly seeks implementation of the Mediation Agreement.

After careful review of the Hearing Request and the District’s allegations of insufficiency, I find that the Hearing Request is sufficient as it satisfies the requirements of Section 615(b)(7)(a) of the IDEA 2004 and Rule IB.

### ORDER

For the reasons discussed, the District’s Motion is hereby **DENIED**. The matter will proceed to Hearing as provided in the June 20, 2023 *Notice of Hearing* issued by the BSEA. Furthermore, a conference call has been scheduled for June 5, 2023 at 4:00 P.M. to give the parties an opportunity to articulate further the issues for Hearing.

By the Hearing Officer:

Alina Kantor Nir

Alina Kantor Nir

Dated: May 23, 2023

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<sup>5</sup> Rule I E (8).

<sup>6</sup> *Leatherman*, 507 U.S. at 168.

<sup>7</sup> Rule I E (9).