



# Disability Law Center's Self-Advocacy Materials

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## Special Education

This document is designed for people with disabilities.

The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

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### Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit our website:

<https://dlc-ma.org>



## Resolving Special Education Disputes

### You Will Learn About:

- Disagreements At IEP Meetings
- Settlement Conferences

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

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## Disagreements at IEP Meetings

### What Can I Do If I Disagree with the IEP Team's Recommendations?

You have a legal right to participate in Individualized Education Plan (IEP) Team meetings. The Team must listen to your concerns, but you might still disagree with the proposal about the right special education services or placement for your child. Always remember that a Team meeting is only the very first level, and you have choices if you disagree. First, you should partially reject the IEP, which is explained in the 'What Is An IEP And How Should I Sign It' document. Be sure to keep copies of *both* signature pages after you have signed them.

### What Is The Next Step And Do I Need A Lawyer?

When you partially or completely reject an IEP, the Bureau of Special Education Appeals (BSEA) will write to ask whether you want to consider **mediation**. Both you and the school must agree to it, you do not need a lawyer, and it is entirely free. It gives you a chance to state your concerns before an impartial person who understands special education law and who will try to help you and the school reach an agreement.

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## Settlement Conferences

### What If We Cannot Agree?

You then have the right to file a Hearing Request at the BSEA. After you have filed, and if you have an attorney, you and the school can decide whether to ask for a **settlement conference**. The Director of the BSEA often conducts these conferences. She meets with you and the school representatives to discuss the strengths and weaknesses of each side's position. These conferences are free and have resulted in a very high settlement rate.

### What Comes Next When Neither Mediation Nor The Settlement Conference Solves The Problem?

Your final step is to have an actual administrative hearing. While it is best to have a lawyer at this stage, it is not required. You can call the BSEA at (617) 626-7250 or go on line to its website at <http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/>. You will find the form you need to state your complaint and a booklet on how to file a hearing request without a lawyer. Very few cases go all the way to a full hearing. In 2016, for example, there were about 536 hearing requests, but only 23 resulted in a full hearing. This means that most disputes settle, but you sometimes need to reach this stage before that will happen.

### What Are Some Key Points To Remember?

- Understand that you have a legal right to disagree with what the school proposes and can use the steps outlined above to resolve disagreements.
- Always keep copies of everything you write to state your concerns.
- Try to obtain evaluations and other expert support for your views on the right services and placement for your child.