

**Massachusetts Department of Elementary and Secondary Education
Program Quality Assurance Services
Intake #13-0029
“All Students” vs. the Hudson Public Schools**

THE ISSUES:

1. ***Can an individual who is not the student or the student’s parent file a complaint with the MA DESE even if the parent has not granted consent?***
2. ***Is the term “sped staff” permissible as a “type of personnel” on the IEP service delivery grid?***

ISSUE 1: Sometimes a complainant is not a student or a student’s parent, but is an educator, community member, or someone else. The Department cannot talk with the complainant about a specific student unless the student’s parent has granted written consent to do so. ***In some cases, the Department may be able to continue to work on resolving the complaint without written consent. However, there can be no communication with the non-parent complainant.***

If a parent requests that the filed complaint not go forward, the Department will likely honor that request.

In this case, the complainant is a (1) community member, (2) parent of a special education student, and (3) the chairperson of the district’s SPAC. The complainant did not identify the student in the complaint.

Since the complaint did not name a specific student, parental consent was not necessary and the complainant was found to have legitimate standing to file the complaint.

ISSUE 2: It was district practice to use the term “sped staff” as the “type of personnel” on the service delivery grid. ***The district contended that 603 CMR 28.06 states only that an IEP must describe the “type of service providers” and that the term “sped staff” complies with that requirement.***

The Department disagreed with the districts contention, indicating that “in order for the IEP Team to make a reasonable decision about student placement, the Team must have some knowledge of the kinds of service providers who will provide the student services (noting the similarity with specifying the providers of related services ... e.g. SLP, OT. etc.).

