

SEPAC Snapshot

January 2022



Great News in Weston Special Education

- The new Special Education Policies & Procedures manual is almost ready for release. Martha Bakken and her team have worked diligently to finalize the manual, last updated in 2011. We expect completion this month.
- The administration has been making a great effort to ensure that staffing levels are met for all kids in our district during this latest Covid wave. They have added a second permanent substitute for each building, hired additional nursing staff, and secured additional substitutes for the first week of classes. These proactive moves are helping to ensure not only that school is open for all students, but also helps to ensure federally mandated IEP services are met, even during staff absences.
- Student Services has been planning ahead for ESY (Extended School Year) and linking up with the Weston Recreation Department to ensure that ESY students are able to have an experience that is integrated with their peers attending Weston summer camps. In addition, they are communicating to parents early which is hugely appreciated.
- Our new director of Student Services has created "Martha Meetings", where parents can sign up for a time slot for a 1:1 meeting with her. SEPAC has been getting great feedback on this, as parents welcome the opportunity to communicate directly with Martha.

Area of Concern: Weston's Use of Lawyers in Special Education Cases

- We wanted to share [this article](#) from Open Commonwealth with you about school districts, and how they are employing their district legal teams to contest parent special education claims. Open Commonwealth continues to work on exposing school districts who are employing lawyers to intimidate parents.
- Weston, while not included in the article, is sadly part of the problem.
 - WPS employs attorneys in special education disputes with parents. A few examples are during the PRS (Problem Resolution System) complaint process, OCR (Office of Civil Rights) and BSEA (Board of Special Education Appeals).
 - There have been many cases where Weston has lost, and was found to be in violation of IDEA. In [this recent case from December 2021](#), not only was Weston found to be non-compliant, but the district spent significantly more money defending the BSEA case with attorneys than the actual cost of providing what was legally required. (Now estimated to be over \$30K of expenses for an originally proposed remedy of \$4,100)
 - In addition, the WPS law firm engages in the use of cease and desist letters, getting involved in what appears to be an attempt to intimidate parents.
- Using lawyers is often an expensive and unnecessary step for WPS
 - First, as the article points out, in many instances, the attorney fees exceed the cost of providing the service in the first place. And in many recent cases, Weston has been found non-compliant and forced to pay not only for the original services requested, but legal fees, sometimes for both sides. This is an opportunity for financial savings for the district.
 - Second, when lawyers are being used to intimidate parents who are advocating for their children, it creates a combative relationship.
- [It is School Committee who employs the lawyers, not the administration](#). Yet, in discussions with several School Committee members, there seems to be little awareness and transparency around when attorneys are being engaged to contest against parents, nor have discussions on legal fees appeared on agendas or minutes.
- **SEPAC requests that the use of legal fees be on the agenda for the next School Committee meeting, discussing:**
 - An explanation on when and how legal fees are approved by School Committee
 - A report of the last 3 years of special education legal fees (What was the outcome of these cases? Was Weston found to be non-compliant? What was the cost of the remedy vs. the legal fees incurred?)
 - Is the use of lawyers consistent with what the School Committee feels is appropriate? Should additional guidance be given to the administration on when to engage attorneys?