

Education Law

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Related Services

Education Law
Discrimination in Education
Special Education, IEP and 504 Plans
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Student Rights and School Policy Disputes

Overview

School districts hold significant power over a child's daily life, academic trajectory, and long-term opportunities. When that power is exercised unfairly, through a disciplinary action that ignores due process, an IEP that fails to deliver promised services, or a pattern of discriminatory treatment that goes unaddressed, families are left navigating a system that was not designed with transparency in mind.

Cohen Cleary represents students and families in education law matters across Massachusetts and Rhode Island. Our practice covers the full range of disputes that arise between families and educational institutions: discipline and expulsion defense, [special education advocacy](#), discrimination claims, and challenges to school policies that infringe on student rights. These issues arise in both public and private school settings, and the legal frameworks differ in ways that matter. We help parents understand their legal options, build documented records, and take strategic action when schools fail to meet their obligations.

Student Advocacy in Discipline, Discrimination, and Special Education

Our education law practice addresses three core areas where students and families most frequently need legal support:

Discrimination in Education

Representation for students experiencing [discrimination](#) based on race, disability, gender, religion, or other protected characteristics, including Title VI, Title IX, Section 504, and ADA claims filed through school grievance processes, the Office for Civil Rights, MCAD, or state and federal courts.

Student Rights and Discipline

[Defense of students](#) facing suspension, expulsion, emergency removal, or other serious disciplinary consequences, with particular focus on due process compliance, manifestation determinations for students with disabilities, and protecting academic records.

Student Rights and School Policy Disputes

Advocacy for students whose [rights are affected by school policies](#) involving free expression, privacy, search and seizure, athletics eligibility, and extracurricular participation, in both public and private school settings. This includes FERPA-related disputes over student records and challenges to policies that restrict student expression or participation.

How We Help Families Navigate IEP Disputes, Discipline,

and Due Process

Education disputes move on institutional timelines. A suspension hearing may be scheduled within days. A BSEA (Bureau of Special Education Appeals) filing triggers procedural deadlines that, once missed, can limit a family's options for months. We structure our representation around these realities.

Every matter begins with a detailed review of the student's records, the school's communications, and the applicable legal framework, whether that involves IDEA, Section 504, the ADA, Massachusetts General Laws Chapter 71, or the school's own published policies and discipline codes. We tell our clients that the strength of an education case often depends on what was documented before the lawyer got involved, which is why early consultation matters.

From there, our approach depends on what the situation requires. Some disputes are resolved through direct engagement: a facilitated IEP team meeting, voluntary mediation, or structured communication with administrators, where an attorney's presence changes the dynamic. Others require formal proceedings: a BSEA hearing, an OCR complaint, or litigation in state or federal court. We prepare every case as though it will proceed to a formal hearing, because that preparation is what creates leverage for resolution at every earlier stage.

Why Families Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service,

sound judgment, and steady counsel through complex legal challenges.

In our Education Law work, this approach helps clients navigate disputes with school districts and educational institutions with clarity, efficiency, and confidence.

Our Approach and Why Early Advocacy Changes Outcomes

Parents frequently assume that school districts will proactively identify their child's needs and provide appropriate services. In practice, the system is complaint-driven. Parents who advocate early and document everything consistently achieve better outcomes than those who trust the process to work on its own.

This is the core of our approach. We help families shift from reactive to strategic: requesting evaluations in writing, documenting meetings and communications, ensuring IEP language is specific and enforceable, and building a record that supports the family's position if formal proceedings become necessary. The goal is not in conflict with the school district. The goal is to ensure the district fulfills its legal obligations to the student.

Serving Students and Families Across Massachusetts and Rhode Island

Cohen Cleary represents families in education law matters throughout Massachusetts and Rhode Island, with offices in [Taunton](#) and [Plymouth](#). Our attorneys regularly appear before the Bureau of Special Education Appeals (BSEA), file complaints with the Massachusetts Commission Against Discrimination (MCAD) and the federal Office for Civil Rights (OCR), and represent students in proceedings involving school districts across southeastern Massachusetts, Bristol County, Plymouth County, Norfolk County, and the Greater Boston area. We work with public school districts and private educational institutions alike, and have the capacity to serve families across New England.

Protect Your Child's Educational Rights With Help From Cohen Cleary

If your child is facing discipline, a special education dispute, or discrimination at school, [contact](#) Cohen Cleary for a consultation. Our education law attorneys will assess your situation, explain your legal options, and help you take strategic action to protect your child's rights and educational future.

Frequently Asked Questions About Education Law

What should I do if my child is facing suspension or expulsion in Massachusetts?

Under Massachusetts General Laws Chapter 71, Section 37H3/4, students facing suspensions longer than ten days have specific due process rights, including the right to a hearing before the principal and a subsequent appeal to the superintendent. For students with disabilities, the school must first conduct a manifestation determination to assess whether the behavior was

related to the student's disability. Contact an attorney before the hearing. The record created at that stage often determines the outcome.

What is the difference between an IEP and a 504 Plan?

An Individualized Education Program (IEP) is governed by the Individuals with Disabilities Education Act (IDEA) and provides specialized instruction and related services to eligible students with disabilities. A 504 Plan, governed by Section 504 of the Rehabilitation Act, provides accommodations to ensure equal access but does not include specialized instruction. The eligibility criteria, procedural protections, and available remedies differ significantly between the two. Which plan is appropriate depends on the nature and severity of the student's needs.

Can I challenge a school district's decision about my child's special education services?

Yes. Massachusetts families can request mediation or file for a hearing with the Bureau of Special Education Appeals (BSEA). During the dispute resolution process, the student's current placement and services generally remain in effect under "stay-put" protections. Parents also have the right to obtain independent educational evaluations (IEEs) at school district expense under certain circumstances. These formal protections exist specifically because disagreements between families and districts are anticipated by the law.

Does my child have legal protections against discrimination at school?

Several federal and state laws protect students from discrimination in educational settings. Title VI of the Civil Rights Act prohibits race-based discrimination, Title IX addresses sex-based discrimination, and Section 504 and the ADA protect students with disabilities. Massachusetts state civil rights laws provide additional protections. Families can pursue remedies through internal school grievance processes, complaints to the Office for Civil Rights or MCAD, or civil litigation, depending on the circumstances.

When should I involve an attorney in a dispute with my child's school?

The earlier, the better. Many education law disputes are shaped by what happens before formal proceedings begin: the language in emails, the specificity of IEP documents, whether requests were made in writing, and whether the school followed its own procedures. An attorney can help you build a strong record from the start, communicate effectively with the district, and identify the right course of action before deadlines pass or options narrow.