

Special Education, IEP and 504 Plans

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Overview

An IEP is a legally binding document, not a set of aspirational goals. When a school district fails to provide the services specified in a plan, parents have enforcement remedies, but exercising those remedies depends on having an IEP that is specific enough to be enforceable in the first place. Cohen Cleary represents families in Massachusetts and Rhode Island navigating special education disputes, from evaluation rights and IEP development through administrative hearings and, where necessary, federal court proceedings, with a focus on ensuring children receive the services the law requires.

Your Child's Educational Rights Are Legally Enforceable

An IEP is a legally binding document, not a set of suggestions. When a school district fails to deliver the services written into that plan, parents have enforceable remedies under federal and state law. Most families do not realize this until their child has already lost ground. Vague goals and ambiguous service descriptions are the most common drafting failures we encounter, and they make enforcement nearly impossible. If the IEP does not specify the frequency, duration, and method of every service, it gives the district room to underdeliver without technical violation.

Cohen Cleary represents families across Massachusetts and Rhode Island in special education disputes, IEP development and enforcement, 504 plan accommodations, and proceedings before the Bureau of Special Education Appeals. We help parents move from frustration to a defined legal strategy.

How We Advocate for Students and Families in Massachusetts

Special education law operates at the intersection of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and Massachusetts regulations that often exceed federal requirements. Serving as each family's special education advocate, our work spans the full lifecycle of a student's educational rights:

IEP Development and Review

Attending IEP team meetings to ensure proposed goals are measurable, services are specific, and placement decisions reflect the least restrictive environment appropriate for the student.

504 Plan Advocacy

Securing accommodations for students who may not qualify for an IEP. A 504 plan addresses access barriers in the general education setting, and schools frequently underestimate what Section 504 requires.

Independent Educational Evaluations (IEEs)

When a district denies an evaluation or produces an incomplete assessment, parents have the right to request an independent evaluation at public expense. We guide families through the request process and challenge denials.

Dispute Resolution

Representing families in placement disputes, service delivery failures, and denial of evaluation requests through mediation, BSEA hearings, and federal court actions when necessary. We also enforce stay-put rights to protect current placements while disputes are pending.

Transition Planning and Extended School Year Services

For students approaching adulthood, developing transition service plans that address post-secondary education, employment, and independent living. For students who require services beyond the standard academic calendar, we advocate for extended school year eligibility and appropriate programming.

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 families navigate IEP disputes and special education proceedings with clarity, efficiency, and confidence.

How We Prepare for IEP Disputes and BSEA Hearings

We tell our clients that preparation for a BSEA hearing begins long before any filing. Every IEP meeting we attend is an opportunity to build the evidentiary record. We review evaluations line by line, identify gaps in proposed services, and ensure that parental concerns are documented in the team meeting notes. Massachusetts regulations under 603 CMR 28.00 provide procedural protections that many families do not know exist, including the right to request specific assessment domains and to receive draft IEPs before meetings. When mediation or a hearing becomes necessary, the groundwork is already in place.

Serving Families Across Massachusetts and Rhode Island

Cohen Cleary represents families in special education matters from offices in [Taunton](#) and [Plymouth](#). Our attorneys appear regularly before the Massachusetts Bureau of Special Education Appeals and work with school districts across southeastern Massachusetts, Bristol County, Plymouth County, Norfolk County, and the Greater Boston area. We also represent families throughout Rhode Island in special education proceedings, including disputes before the Rhode Island Department of Education. The firm has the capacity to serve clients across New England in education law matters.

Protect Your Child's Right to an Appropriate Education

If your child is not receiving the services or accommodations they are entitled to, contact Cohen Cleary to discuss your options. As experienced IEP lawyers and 504 plan attorneys, we can evaluate your situation and help determine the most effective path forward. Call our [Taunton](#) or [Plymouth](#) office to schedule a consultation.

Frequently Asked Questions About Special Education Law

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

An IEP is developed under IDEA and provides specialized instruction and related services to students with qualifying disabilities. A 504 plan is developed under Section 504 of the Rehabilitation Act and provides accommodations within the general education setting. A 504 plan does not include specialized instruction, but it can require meaningful modifications to how a student accesses the curriculum. Many families are told that a 504 plan is a lesser option. That is not accurate. For some students, a well-drafted 504 plan provides exactly the support they need.

Can I challenge the school's evaluation of my child?

Yes. Under IDEA, parents have the right to request an independent educational evaluation (IEE) at public expense if they disagree with the district's evaluation. The district must either fund the IEE or file for a hearing to demonstrate that its evaluation was appropriate. Private evaluations conducted at your own expense are also admissible and can be presented to the IEP team or at a BSEA hearing.

What happens if the school is not following my child's IEP?

When a school district fails to implement the services specified in an IEP, parents can file a

complaint with the Massachusetts Department of Elementary and Secondary Education or request a hearing before the BSEA. If the failure resulted in a denial of Free Appropriate Public Education (FAPE), the student may be entitled to compensatory education, which provides additional services to make up for what was lost during the period of noncompliance.

What are stay-put rights during a special education dispute?

Stay-put is a federal protection under IDEA that requires the school district to maintain a student's current educational placement while a dispute is pending. This means the district cannot unilaterally change your child's services, placement, or IEP during mediation or a BSEA hearing unless both parties agree. Stay-put is a critical procedural safeguard available to families.