



Ellen Chambers <emchambers123@gmail.com>

Problem Resolution System Ticket PRS0005127 Submitted

1 message

ESE <ese@mass.gov>

Thu, Jan 21, 2021 at 4:50 PM

Reply-To: IT Service Desk <massgov@service-now.com>

To: kshaver-hood@wareham.k12.ma.us, BarryJ.Barnett@mass.gov, Davina.E.Walker-Wright@mass.gov, Kathleen.A.Young@mass.gov, Jonathan.W.Spadafora@mass.gov, Dean.L.Paolillo@mass.gov, emchambers123@gmail.com, Paula.T.Twomey@mass.gov

Cc: kshaver-hood@wareham.k12.ma.us



**Massachusetts Department of
Elementary and Secondary Education**

75 Pleasant St, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3700

TTY: N.E.T. Relay 1-800-439-2370

Thank you for contacting the Department of Elementary and Secondary Education. Your message has been received. You will be contacted by Problem Resolution System staff within a few days.

Contact information**Salutation****First Name**

SPEDWatch, Inc.

Last Name

Ellen Chambers

Phone

978-433-5983

Emailemchambers123@gmail.com**Address**

141 River Road

City

Pepperell

State

MA

Zip

01463

Additional information about you**Primary Language**

English

Your Role

Other

Accommodations required in communicating with us

District and School**District**

Wareham

School**Student or Group details****Student type**

Program

Student program type

Special Education

Student information**First name****Last name****Grade****Date of birth****Age****Gender****Parent/Guardian information****First name**

N/A

Last name

N/A

Phone

N/A

Email

N/A

Address

N/A

City

N/A

State

N/A

Zip

N/A

Concerns**Brief statement of concern(s)**

Wareham utilizes an N1 form that includes this blanket statement: "The Parent agrees to excuse The District from strict adherence to IEP timelines which are difficult pursuant to governmental directive arising from or related to COVID-19 issues." This is in violation of regulatory timelines associated with the evaluation and IEP process.

On May 1, 2020, DESE's Special Education Leaders' Meeting power point presentation addressed the issue of regulatory timelines. DESE instructed districts to "use a student-centered approach to timelines instead of a district-wide approach." DESE further instructed districts "that there are three levels of legal requirements for timelines: 1. Federal requirements in IDEA; 2. State requirements in Mass. General Laws, and 3. DESE regulations (603 CMR 28.00) and policy. All three levels are connected and without flexibility at the federal level, we do not have flexibility at the state level." Finally, DESE rescinded their earlier guidance which had stated: "a school district's inability to meet timelines ... shall not constitute an actionable procedural violation, provided the school district is acting in good faith..." This was replaced with DESE guidance that districts must "continue to treat timelines as if they are in effect and make efforts to meet them. For example, attempting to agree with parents on extending any deadlines."

IMPORTANT: SPEDWatch explicitly requests that DESE base its findings of compliance or noncompliance on the evidence as it existed on the day this Intake Information form was submitted, and that DESE not take into consideration actions the District may take subsequent to the complaint filing which might bring the District into compliance.

Your attempts to resolve current concern(s)

None. This is not a concern. This is a violation of state special education regulations regarding timelines.

Actions by the school you believe would resolve your concern(s)

Remove the blanket statement from any and all documents in which it appears.

BSEA mediation or hearing?**Confidentiality and third party sharing**

I give my consent for the Department to share personally identifiable student information with the following persons or parties for purposes of handling this complaint.

Name	City
Phone	State
Email	Zip
Address	

Problem Resolution System-Additional Resources

PRS staff are available by phone and email between 8:45 a.m. and 5:00 p.m. every business day to discuss your issues, answer your questions, and if needed, to help you to file a complaint with the Department. PRS can assist you if a publicly funded education provider is not implementing the requirements of any federal or state education related law or regulation under our authority. If your concerns are outside the authority of the Department to resolve, PRS staff will suggest next steps you can take or other resources you can access to resolve your issue, some of which are listed below.

- Issues involving **bias motivated threats, harassment or violence** can be addressed through:

Office of the Attorney General

Civil Rights Division

One [Ashburton Place](#)

[Boston, MA 02108](#)

<http://www.mass.gov/ago/>

Phone: 617-963-2917

- The US Department of Education's **Office of Civil Rights** works to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation's schools.

U.S. Department of Education-Office of Civil Rights

[8th Floor 5 Post Office Square](#)

[Boston, MA 02109-3921](#)

Telephone: (617) 289-0111

Facsimile: (617) 289-0150

Email: OCR.Boston@ed.gov

- The **Bureau of Special Education Appeals** conducts due process hearings and renders rulings and decisions

concerning eligibility, evaluation, placement, individualized education programs (IEP), provision of special education and procedural protections for students with disabilities:

Bureau of Special Education Appeals

[14 Summer St., 4th Floor](#)

[Malden, MA 02148](#)

<https://www.mass.gov/orgs/bureau-of-special-education-appeals>

Phone: 781-397-4750

- Issues involving **school health and nurses** can be directed to:

Massachusetts Department of Public Health

[250 Washington St.](#)

[Boston, MA 02108](#)

<http://www.mass.gov/eohhs>

Phone: 617-624-6000

- Issues involving the **care and welfare of children** can be directed to:

The Department of Families and Children (DCF)

[600 Washington St.](#)

[Boston, MA 02111](#)

<http://www.mass.gov/eohhs/gov/departments/dcf/>

Phone: 1-800-792-5200

- Issues related to the provision of **public records** can be addressed to:

Secretary of the Commonwealth

Public Records Division

McCormack Building

[One Ashburton Place, Room 1719](#)

[Boston, MA 02108](#)

www.sec.state.ma.us

Phone: 617-727-7030

- Issues related to the **Open Meeting Law**:

[One Ashburton Place](#)

[Boston, MA 02108-1518](#)

www.mass.gov/ago/openmeeting

Phone: 617-727-2200

· Issues or concerns about a **child or youth who is receiving services directly from a state agency**, or **services that are funded by a state agency**, may be directed to:

Office of the Child Advocate

Mail: One [Ashburton Place, 5th Floor](#),
[Boston, MA 02108](#)

Complaint Line: 617-979-8374

Online Form: <https://www.mass.gov/how-to/file-a-complaint-with-the-oca>

Email: childadvocate@mass.gov



WAREHAM Extended Timelines Matter.pdf

1884K

School District Name: Wareham Public Schools
School District Address: 48 Marion Rd., Wareham, MA 02571
School District Contact: Jesse Aleixo, TEAM Chairperson, 508-291-3550 x 6110

Student: _____ Grade: _____ DOB: _____ LASID#: _____ SASID#: _____

Directions to School Staff:

This notice must be sent to parents in their native language or other mode of communication used by the parent. School districts must ensure that parents understand the content of this notice. (Federal Regulation §300.503)

Describe one or more of the following actions: Initial Evaluation, Reevaluation, Emergency Evaluation, Extended Evaluation Period, IEP, IEP Amendment, Placement (include the specific placement location and transportation requirements, if any), Graduation or any other proposal used to initiate or change the identification, evaluation, educational placement or the provision of special education services by answering the following questions:

- 1. What action is the school district proposing to take?*
- 2. Why is the school district proposing to act?*
- 3. What rejected options were considered and why was each option rejected?*
- 4. What evaluation procedure, test, record or report was used as a basis for the proposed action?*
- 5. What other factors were relevant to the school district's decision.*
- 6. What next steps, if any, are recommended?*

Narrative Description of School District Proposal

The Wareham Public School District is proposing a new IEP for _____ as the result of a reevaluation meeting held on 9.30.20. Parent agreed to the virtual meeting via email, confirming that the IEP Team meeting is being held remotely due to COVID-19 and the health and safety of all students, families and staff. The Meeting was conducted through a virtual platform. By participating in this remote IEP, the participants agreed not to save, record, share, or post the IEP meeting. The parties acknowledged that, due to the former state of emergency, and the uncertain nature of the path of the Pandemic, they have not been able to fully determine the extent to which the remote meeting platform complies with Massachusetts student privacy and digital privacy laws, as well as the Family Education Rights and Privacy Act. The district took all reasonable measures to preserve your privacy and the privacy of your child, and each of our educators will continue to maintain the privacy of your child's student record information. The Parent agrees to excuse the District from strict performance of IEP timelines which are challenging pursuant to governmental directives arising from or related to COVID-19 pandemic issues.