



# Massachusetts Department of Elementary and Secondary Education

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2370

July 14, 2021

Dr. Kimberly Shaver-Hood, Superintendent  
Wareham Public Schools  
48 Marion Road  
Wareham, MA 02571

Re: Intake PRS 5769  
Student Name: [REDACTED]  
**Letter of Finding**

Dear Superintendent Shaver-Hood:

On [REDACTED], the Massachusetts Department of Elementary and Secondary Education (Department) received a written statement of concern from [REDACTED] involving the Wareham Public Schools (District). As the Problem Resolution System (PRS) Specialist inquiring into this matter, I took the following steps:

- Reviewed the statement of concern and supporting documentation
- Communicated with the Director of Student Services regarding the statement of concern
- Requested a Local Report from the District
- Reviewed the District's Local Report and supporting documentation submitted to the Department on June 7, 2021
- Communicated with the complainant regarding the District's Local Report
- Required additional information from the District
- Reviewed the District's additional information
- Reviewed relevant state and federal special laws and regulations
- Consulted with other Problem Resolution System Office staff
- Received and reviewed the complainant's response to the District's Local Report.

The District acknowledged noncompliance. The concern(s) included in the signed statement, the summary of our findings and required corrective actions follow.

## CONCERNS AND FINDINGS

- The complainant alleged the District has not provided a placement for the student and has not provided the student's IEP services. The complainant alleged the student was found eligible for special education services on [REDACTED], and a placement meeting held on [REDACTED]. The complainant alleged noncompliance with 603 CMR 28.05 (7)(b):

*“Upon parental response to the proposed IEP and proposed placement, the school district shall implement all accepted elements of the IEP without delay.”*

The District's Local Report (Report) stated that the student was enrolled in [REDACTED] by [REDACTED], after the student turned [REDACTED]. The District received consent to evaluate the student on [REDACTED] and completed the initial evaluation by [REDACTED]. The initial IEP Team meeting to determine eligibility occurred on [REDACTED], and the IEP Team found the student eligible.

A separate placement meeting occurred on [REDACTED] with a placement designation of a Public or Private Day Program. An email from the [REDACTED] showed that the [REDACTED] did not receive a copy of the proposed IEP as of [REDACTED].

The [REDACTED] signed Consent to the IEP on [REDACTED], with a note that the shortened school day would be reviewed [REDACTED]. The student's initial service delivery grid included the related services of Physical Therapy (PT), Occupational Therapy (OT), and Speech and Language Pathology services (SLP), [REDACTED] days each week.

The student was accepted for Placement at the [REDACTED]. A starting date was identified as [REDACTED] however, this was on hold pending the hiring of a nurse to accompany the student during transportation. A nurse was necessary during the student's transportation and in the student's program. As of the [REDACTED], the District has been unable to hire a nurse, due to the part-time nature of the position.

The District has acknowledged non-compliance with 603 CMR 28.05 (7)(b) and has agreed to provide compensatory services.

## CORRECTIVE ACTION THAT MUST BE IMPLEMENTED

- A. The District must continue to seek to contract with a nursing provider; and must develop a contingency plan should it be unable to do so to ensure the implementation of the student's IEP services. Please submit the District's efforts and any contingency plan to provide the student with the required educational services.
- B. The District must develop a plan of compensatory services.

COMPENSATORY SERVICES PLAN TO BE DEVELOPED AND IMPLEMENTED

Because the Department finds noncompliance in this case and the resulting denial of a free appropriate public education (FAPE) for this student, the Department requires the District to develop a plan of compensatory services for the student. The District should develop the compensatory services plan with the student's parents, secure the signed approval of the foster parent, and submit it to the Department. If the District and the parent are unable to develop a mutually acceptable plan of compensatory services by **September 15, 2021**, the Department will develop a plan and specify the compensatory services that the District must provide. Failure to implement such a plan may result in the withholding of funds.

Please submit the corrective action plan and plan of compensatory services to [PRSCAP@mass.gov](mailto:PRSCAP@mass.gov).

This determination represents the Department's interpretation of the relevant legal requirements in the context of the facts presented. The conclusions reached in this letter do not establish a policy, rule, or precedent that would apply in all circumstances.

Also note that for matters related to special education the parties may seek mediation and/or a hearing through the Bureau of Special Education Appeals (BSEA) on the same issues addressed in this letter. Such a hearing, however, is a new proceeding and is not for the purposes of reviewing the Department's decision in this matter. Any order or decision issued by the BSEA on the issues raised in this complaint would be binding.

I would be pleased to provide further clarification of all information and requirements noted above if you find it necessary. Please contact me at [George.K.Haile@mass.gov](mailto:George.K.Haile@mass.gov).

Sincerely,

*George K. Haile*

George K. Haile, PRS Specialist  
Problem Resolution System Office



Dean Paolillo, PRS Supervisor  
Problem Resolution System Office

C:



Melissa Fay, Director of Student Services, Wareham Public Schools

Enclosure: Response Form

**MASSACHUSETTS DEPARTMENT OF  
ELEMENTARY AND SECONDARY EDUCATION  
Problem Resolution System**

School District: Wareham Public Schools

**CORRECTIVE ACTION REPORT  
In Response to Intake PRS 5769**

Name of Student: [REDACTED]

Response Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

The Corrective Action Report **must include a statement of assurance of the steps taken, or to be taken, to remedy the identified noncompliance issues**, any plan of compensatory services offered, together with completion date(s), persons responsible and copies of information documenting implementation of the Corrective Action.

**A copy of this Corrective Action Report must be sent to the person registering this complaint.**

**This District's Corrective Action Report was sent to the complainant on (date) \_\_\_\_\_**

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