



July 18, 2024

Kevin McIntyre, Superintendent
Milford Public Schools
31 West Fountain Street
Milford, MA 01757

Re: Intake PRS 11334
Student Name: [REDACTED]
Letter of Finding

Dear Superintendent McIntyre:

The Massachusetts Department of Elementary and Secondary Education (Department) received a written statement of concern from Kimberly Winslow (Complainant) on May 1, 2024, involving the Milford 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
- Requested a Local Report from the District
- Reviewed the District's Local Report and supporting documentation submitted to the Department on June 7, 2024
- Reviewed relevant state and federal special education laws and regulations
- Consulted with other Problem Resolution System staff
- Received and reviewed the complainant's response to the District's Local Report

The Department's inquiries determined noncompliance and we are advising the District now of this finding, as well as of the required corrective action. The concern(s) included in the signed statement, a summary of our findings, and required corrective actions follow.

The Department notes that the Complainant's statement of concern stated: "Additionally, on 4/2/2024, the Complainants requested for the Student to repeat the [REDACTED]th grade, as recommended by the [REDACTED] School. The District has not formally responded."

PRS did not investigate this concern because concerns regarding grade promotion and retention are matters of local school district authority. The PRS Office is unable to assist in addressing this concern. The complainant may wish to discuss this concern with the school principal.

CONCERNS AND FINDINGS

1. The fourteen-year-old, Grade █ student (Student) attends █ Middle School (School) and is a student eligible for Special Education with a primary disability of █.

The Complainant alleged that the District unilaterally determined that the Student required an extended school year (ESY) program. The Complainant alleged that despite the parent's request to convene the Team regarding this matter, the District did not reconvene the IEP Team nor did the District provide required notice.

The Complainant alleged that the Student has not made adequate progress and has demonstrated regression. The Complainant alleged that the IEP is not reasonably calculated to provide a free appropriate public education (FAPE), and the District did not place the Student in an appropriate placement.

The Department investigated this complaint under 34 CFR § 300.322, 34 CFR 300.324(4), 603 CMR 28.06(2)(d)(1), 603 CMR 28.05(4)(d)(1), CFR 300.503, 34 CFR §300.17, and 34 CFR 300.101(a).

2. The Complainant alleged that the Parent requested student records in October 2023 and was not provided with all of the requested student records. On October 23, 2023, the Parent requested the following documents, which had not been provided:
 - for the past three (3) school years:
 - regular education
 - report cards classroom assessments/screener results (BOY, MOY, EOY reading/math assessments, etc.)
 - correspondence, including e-mails that constitute student records.
 - special education
 - data collected in accordance with IEP goals (including assessments/screeners)
 - behavior plans
 - data collected in accordance with behavior plans
 - correspondence, including e-mails constitute student records
 - meeting summaries, notes, attendance sheets, N1, N1A
 - Ed Assessments A & B

The Complainant also stated that on April 1, 2024, █ requested regression and recoupment data, which █ alleged the District did not provide.

The Department investigated this complaint under 603 CMR 23.07(2).

The [REDACTED]-year-old, Grade [REDACTED] student (Student) attends [REDACTED] Middle School (School) and is a student eligible for Special Education with a primary disability of [REDACTED]

The Local Report contained a neuropsychological evaluation, conducted by the School Psychologist, with evaluation dates of July 17 and July 24, 2023. Clinical impressions included: [REDACTED]

[REDACTED]. The report notes the significance of the Student's [REDACTED] [REDACTED] stated that:

Due to [the Student's] [REDACTED] history, [REDACTED] now exhibits a persistent pattern of repeated [REDACTED] in response to [REDACTED]. He may struggle with [REDACTED], including [REDACTED]

Finally, these collective challenges related to, and consequences of [the Student's] history of [REDACTED] have led to substantial difficulties in the areas of academic engagement, relationships with [REDACTED], adults, and peers and overall social-emotional development.

Scores on the WISC-V ranged from [REDACTED]. Scores on the WRAML-3 ranged from [REDACTED].

In order to meet the needs of the Student, the report concludes with four (4) pages of recommendations categorized as general, counseling, attention/hyperactivity, instruction/executive functioning, emotional regulation/impulsivity, and behavior modification.

A report dated August 15, 2023 contained the findings of an occupational therapy evaluation, conducted on July 28, 2023 and August 2, 2023. This report detailed the Student's weakness in sensory discrimination skills across his senses and recommended accommodations and sensory breaks to help meet his needs.

A report with evaluation dates of July 25, 2023 and August 1, 2023 provided findings from a speech-language evaluation. Findings included a mild receptive language impairment, slightly below average inferential reasoning skills, and significantly below average social-pragmatic skills. The Student presented with a communication disability and recommendations included direct speech-language services.

A meeting invitation with a notice date of September 1, 2023 scheduled an IEP Reevaluation for September 8, 2023. The September 8, 2023 meeting was held and continued to September 15, 2023. The Attendance Sheet dated September 8, 2023 listed the following attendees as present: [REDACTED] two (2) Speech and Language therapists, Partial Inclusion (Special Education) Teacher, two (2) Occupational Therapists, Director,

Team Chairperson, Special Education Teacher, Transition Counselor, and Reading Specialist.

A Notice of Proposed District Action with a notice date of September 19, 2023 followed the meetings and proposed an IEP dated September 8, 2023 through September 6, 2024 with programming in a partial inclusion setting at the Middle School. The notice stated:

The team was clear with [the Student's] ██████████ that given his recent classification of a ██████████ Disability, we believe the ██████████ Classroom is most appropriate for his learning. [The Student's] ██████████ does not wish for [the Student] to be a part of this classroom any longer and because it is not a change in placement, the team will move forward with pull-out classes the week of September 25.

Under the Schedule Modification section of the IEP, it was noted that the Student required a longer school year and the proposed IEP stated:

Due to risk of academic regression, [the Student] qualifies for extended school year services. Date for the summer of 2024 are not set yet, but an amendment will be written in the spring.

An email dated October 5, 2023 from the Director of Special Education to the Administrative Assistant for Special Education and copied to the Complainant requested that the following records be emailed to the Complainant:

- All ESY progress reports from grade 3 – present
- All IEPs from PreK through grade 7, including progress reports
- All evaluation/assessment reports from PreK – grade 7.

The Complainant responded that same day requesting report cards and a mid-term report. An email from the District dated October 10, 2023 contained all of the Student's IEPs. An email from the District dated October 11, 2023 contained all of the Student's Special Education Progress Reports. An email that same day from the Complainant asked if there were progress reports for each grade year, if there were mid-term reports, and requested yearly report cards. The Special Education Administrative Assistant responded that same day:

I only have access to the special ed records in the district office here. The 11 files I sent you today are the Special Ed IEP progress reports from each school year and the ESY years he attended the program, as you requested. You will need to contact the school offices for his Grade Reports. I do not have access or familiarity with the day to day school records. I still have his evaluation reports to scan and send you and will try to get it to you tomorrow.

An email from the District dated October 12, 2023 contained all the Student's evaluation reports on file.

On October 23, 2023, the Complainant partially rejected the IEP dated September 8, 2023 through September 6, 2024 and rejected the placement; the District marked the notification received on October 25, 2023. The Complainant provided a detailed letter of rejections. Pertinent to the allegation under Department review, the letter stated:

I reject the omission of Start and End dates aligned with the full IEP period, and do not agree to the gaps in services from 6/14/2024 – 8/27/2024. Accordingly, I reject the omission of services starting 9/8/2023 and concluding 9/7/2024. I understand that the full IEP period is not intended to cover ESY, which will be discussed and proposed later in the year by the Team, and separately itemized in the IEP.

...I agree that [the Student] requires a longer year, but disagree that the proposed program is sufficient.

...I reject the placement, which is no longer appropriate for [the Student]. [The Student] requires therapeutic programming, with more intensive academic support, and peers who share a similar learning profile.

Regarding the Student record, an email dated October 23, 2023 from the Complainant to the District stated:

I recently requested [the Student's] student record. Although I received many documents, I have had more difficulty obtaining others. I am currently seeking documents for the past 3 school years:

- regular education
 - report cards classroom assessments/screener results (BOY, MOY, EOY reading/math assessments, etc.)
 - correspondence, including e-mails that constitute student records.
- special education
 - data collected in accordance with IEP goals (including assessments/screeners)
 - behavior plans
 - data collected in accordance with behavior plans
 - correspondence, including e-mails constitute student records
 - meeting summaries, notes, attendance sheets, N1, N1A
 - Ed Assessments A & B

That same day the Principal responded:

All of the records you requested would be something [Special Education Administrative Assistant] or our Special Education office would have. As an agent of [the School], I wouldn't be able to provide you with anything new or different; they have it all. The only exception would be emails between the school and home, but those can be obtained through a records request to our Central Office – if you have not already done so. You would need to define the parameters of your request

(dates, specific individuals, email addresses) and then our Tech Department would produce the emails. There may be a cost associated with that request as it also requires our Administrative staff to review every email for confidential information (such as the names of other students or something like that) and redact that information.

On October 23, 2023, the Director of Special Education confirmed receipt of the records request.

A Notice of Proposed District Action with a notice date of November 2, 2023 proposed an updated IEP in response to the Complainant's rejections on October 23, 2023. The notice stated that a number of rejected options were considered and not being addressed at this time; relevant to this allegation were the Start and End dates, the schedule modification, and placement. However, the notice further stated:

Please accept the portions of the IEP that have been updated. If you would like to have a meeting to discuss the rejected portions that were not accepted by the school district, please do not hesitate to reach out.

The Department notes that [34 CFR 300.503\(b\)\(6\)](#) requires the reasons why options were rejected; the Department's review of the notice finds that the District failed to provide adequate notice regarding the rejected options. **The District did not fully comply with 34 CFR 300.503(b)(6) in this matter.**

This proposed IEP had two placement pages with the following placements:

- [REDACTED]: September 8, 2023 through August 27, 2024
- [REDACTED]: August 28, 2024 through September 6, 2024.

On November 9, 2023 the Complainant partially rejected the IEP and rejected both placements. Regarding the rejection of the [REDACTED] placement, the Complainant also rejected "the omission of a proposed corresponding placement."

On November 30, 2023, the Complainant sent the Director of Special Education an email with her response to the revised IEP. That same day the Director of Special Education responded that a meeting had been scheduled for December 14, 2023 and inquired if the Complainant had already responded to the meeting invitation and if legal representation would also be joining the meeting. On December 8, 2023, the Complainant responded via email:

Thank you for inviting me to review [the Student's] progress on December 14th. At this time, I am not comfortable attending. I would like to reschedule for a time when the entire team is available. I also intend to bring my attorney. I'm available after 12/19/23.

A meeting invitation with a notice date of January 3, 2024 scheduled a meeting for January 3, 2024. The Attendance Sheet dated January 3, 2024 listed the following attendees as present: Guardian, Partial Inclusion Teacher, the District's Attorney, Director, Family Attorney, Assistant Special Education Director, Team Chairperson, Speech and Language,

Social Studies Teacher, Reading Specialist. The Notice of Proposed District Action with a notice date of January 3, 2024 stated in part:

The Team met to discuss the rejected portions of [the Student's] IEP, specifically the rejected placement and request for a therapeutic placement ...The team agrees that the amount of prompting and support required for [the Student] is beyond what we are able to provide. ...The district is proposing a referral for an out of district placement.

On April 1, 2024, the Complainant emailed the District:

...I have received [the Student's] Report Card for Term 2, as well as his Progress Report. I was surprised to see predeterminations regarding ESY. ESY is typically a Team decision. ...On 10/23/2023 I agreed that [the Student] requires a longer year. Though I challenged only the sufficiency of the school's proposal, I did not reject it. Therefore, I am requesting an updated IEP including a proposal for ESY, as originally promised. Additionally, I am requesting regression and recoupment data for all Goals/Benchmarks/Objectives.

The Assistant Special Education Director responded that same day:

Data is reviewed each year around March to determine if a student presents with regression. Decisions about extended school year services are made from that data each school year. It seems as if you do not agree and an analysis of the data would be appropriate. [REDACTED]

The Complainant responded on April 2, 2024:

I agree that a determination should be made for ESY, but assumed as a Team member that I would be included. Would you provide me with regression and recoupment data?

That same day, the Assistant Director responded, copied the request for the data to the appropriate staff, and noted that "the statement from the progress report was to indicate that they did not note regression in the collected data."

On April 3, 2024, the Special Education Team Chair emailed the Complainant data from the special education teachers. This data included:

- Math: Goal Area is on track and not recommended for ESY
 - 74% accuracy understanding and applying knowledge of transformations and congruence
 - 70% accuracy using formulas to solve for area and perimeter of regular polygons
 - 60% accuracy solving problems containing whole numbers across all 4 math operations (80% accuracy with multiplication)
 - Trimester 1 Grade: 73%; Trimester 2 Grade: 70%
- ELA: Goal Area is on track and not recommended for ESY
 - In 3 out of 5 opportunities, the Student is able to restate the prompt

- In 2 out of 5 opportunities, the Student is able to identify a piece of evidence from the text
- In 2 out of 5 opportunities, the Student has been writing on the Amplify platform; simple and short answer responses
- Has been using speech-to-text for his reading notes
- Needs significant prompting and support to revise his writing
- Reading: Goal Area is on track and not recommended for ESY
 - 60% accuracy using context clues to determine unknown words
 - 72% accuracy sequencing the events of a chapter
 - 62% accuracy using cause-and-effect relationships in an informational text
 - Making progress on Amplify vocabulary program
 - Benefits from teacher-typed notes to assist in copying notes
 - Refuses to open the book and follow along
 - Continues to work on identifying the correct effect from an informational text

A letter dated April 27, 2024 from [REDACTED] School to the District stated accepted the Student noted:

[REDACTED] family expressed interest in our summer program. [REDACTED] IEP indicates that [the Student] qualifies for Extended School Year Services but [REDACTED] Progress Reports seem to indicate that [REDACTED] might not qualify. Our Summer Program currently appears filled for the Summer of 2024 but let us know if you wish for us to consider [REDACTED] in case an opening develops. Our Summer Program runs from [REDACTED].

A Notice of Proposed District Action with a notice date of May 8, 2024 proposed placing the Student at [REDACTED] beginning July 1, 2024. The notice stated:

The family has rejected the district lack of proposal of ESY. The district is proposing that [the Student] start at [REDACTED] over the summer to support the transition. Decisions for ESY going forward will be made at future team meetings. The family has requested that he be retained and repeat [REDACTED] grade. A meeting is being coordinated with the administration at [the School] to further that discussion.

The placement page contained a placement at [REDACTED] from July 1, 2024 through August 27, 2024, and was signed by the Complainant on May 9, 2024.

On June 11, 2024, the Complainant responded to the Local Report that the District had not provided all of the records from the October 23, 2023 and April 1, 2024 record requests. Specifically, the Complainant alleged that the following information was not provided:

- From the Student's IEP:
 - PLEP B Performance Criteria specified: "data collection;"
 - Goal 5 benchmarks included the following performance criteria: "charting samples and teacher records;"

- The Student was given the DIBELS assessment 3 times in the 2022-2023 school year. DIBELS reports have not been provided to the Complainant to date.
- Goal 5.3 specified “This assessment will be based on charts, running records and teacher notes as well as monitored through grade level DIBELS assessments;” and
- Additionally, the Student’s 3/13/2024 Progress Report stated ■ was utilizing the Amplify program for vocabulary and writing. It is our understanding that Amplify provides comprehensive reports. However, neither reports nor specific data from the program has not been provided.
- Recoupment data:
 - The District provided March 2024 progress report summaries.
 - On 4/4/2024, the Complainant clarified that ■ was looking for data specifically taken before and after breaks.
 - To date, specific measurable data has not been provided.

On July 3, 2024, the Department contacted the District to inquire regarding the Complainant’s allegations. As of the date of this letter, the District has been unable to verify if these specific records were provided to the Complainant.

The Local Report also included the following Student data: iReady, progress reports, report card, and attendance.

iReady. The Student’s iReady data in Reading, while showing that the Student was not on grade level, demonstrated progress during the 2023-2024 school year with scores of 488, 471, and 531 and also demonstrated improvement from the May 2023 end of year assessment for the 2022-2023 school year with a score of 405. The 2023-2024 scores show one grade increase from Grade ■ to Grade ■. The Department notes that these scores were rated needs improvement. The Student’s Math iReady scores were 438, 462, and 434 during the 2023-2024 school year, showing a fluctuation between Grades ■ and ■.

Progress Reports. The District provided the following progress report data:

Goal	June 21, 2023	December 1, 2023	March 13, 2024	
Reading	50% accuracy answering explicit comprehension questions. 75% accuracy answering inferential reading questions. Able to describe cause and effect relationship in 1/5 opportunities.	Progress impacted by work refusal and classroom participation. Making progress.	Making progress toward goal; not recommended for ESY.	
ELA Writing	Meeting objectives in 3/5 opportunities.	Requires significant prompting and support. Can restate prompt and	Making progress toward goal; not recommended for ESY.	

	Goal is 4/5 opportunities.	identify evidence in 2/5 opportunities.		
Mathematics	Mastered two-five facts. Able to identify basic 3D shapes. 80% accuracy identify shapes flat or solid. 50% accuracy using equations to solve take away problems with numbers within 100. Able to represent the unknown number in addition or subtraction equation with numbers to 20.	Making progress.	Making progress toward goal; not recommended for ESY.	
Academic Support	N/a	Student mood impacts task initiation; meeting objective in 2/5 opportunities.	Making progress toward goal; not recommended for ESY.	
Specialized Reading	N/a	Dibels: 105 words per minute. Engagement and participation fluctuate as well as work refusal so true assessment and progress are difficult to determine.	Dibels: 95 and 80 words per minute. Student's engagement and participation fluctuates as well as work refusal so true assessment and progress is difficult to determine. 10 absences noted. Student has not been recommended for ESY due to absences and work completion.	
Counseling	N/a	Student willing to meet; however, does not utilize suggestions. Unwilling to engage in school work or class participation.	Change in services from once per week to twice per month. Student gains in therapeutic relationship. School motivation has not improved. Focus shifted to preparing for transition to alternative school.	
Speech	N/a	Slow progress due to reduced participation in group.	Making progress toward goal; not recommended for ESY.	

Report Cards. The final grades for the Student’s 2022-2023 school year:

Class	SY 2022-2023: Final Grades
██████████	86
██████████	78
██████████	73
██████	C
██████████	78
██████████	75
██████████	B- (Term 2 and 3) and A (Term 2)
██████	B- (Term 1) and D- (Term 3)
██	B+

The Term 1 and 2 Grades for the Student’s 2023-2024 school year:

Class	Term 1	Term 2
██████████	No grade	B
██████████	68	71
██████████	74	65
██████████	72	70
██████	No grade	77
██████████	73	77
██████████	73	70

Attendance. The Student’s attendance during the 2023-2024 school year included a total of seventy-two (72) absences; twenty-four (24) were excused and forty-eight (48) were unexcused. The Student had nine (9) unexcused tardies and thirteen (13) dismissals; eight (8) were excused and five (5) were unexcused.

CONCLUSION

This allegation requires consideration of four elements:

- whether the determination of the Extended School Year (ESY) services was a unilateral decision that did not include the Parent
- whether the Student is making adequate progress
- whether the Student's placement is reasonably calculated to provide a Free and Appropriate Public Education (FAPE)
- whether the District provided the requested student records.

Regarding ESY, 603 CMR 28.05(4)(d) sets the standard for ESY determinations in Massachusetts, stating:

An extended year program may be identified if the **student has demonstrated or is likely to demonstrate substantial regression** in his or her learning skills and/or **substantial difficulty in relearning such skills** if an extended program is not provided. [emphasis added]

The Department's *Question and Answer Guide on Special Education Extended School Year Programs* offers additional guidance:

The Department of Elementary and Secondary Education interprets a child's difficulties with "recoupment" to be an aspect of "significant regression". Specifically, significant regression and recoupment consist of the following inter-related elements:

- (1) the loss of performance levels that were attained before a break in service,
- (2) the child's limited learning rate, which lengthens the amount of time the child requires to review and/or relearn previously attained objectives, and
- (3) the fact that the time for that child to accomplish such recoupment is greater than the period of time the school district allows all other children for review and/or relearning.

The Department's review of the matter finds that the decision regarding ESY was not made unilaterally. The parent was invited to, and attended, all of the IEP Team meetings. The District proposed ESY services, which the Complainant agreed were necessary when they partially accepted the IEP on October 23, 2024.

The Department finds that the District complied with 34 CFR 300.322 and 34 CFR 300.324(4) in this matter.

Following an updated IEP on November 2, 2023, the Complainant rejected the ESY placement. A subsequent meeting was held on January 3, 2024, which the Complainant attended to discuss the rejected portions of the IEP and to request a therapeutic placement. In April 2024, the Complainant clarified that they did not reject ESY services, questioned the sufficiency of the services, and requested recoupment and regression

data. The District provided goal progress data but did not provide regression and recoupment data.

Decisions regarding ESY are made based on the Student's likelihood of significant regression and recoupment, not the Student's progress toward the annual goals, engagement, work completion, or attendance. Further, it is not evident that the District had regression and recoupment data upon which their determination was based. Neither the Notice of Proposed District Action, nor the proposed services provided sufficient basis for the Team's recommendation, or for the Complainant, to make an informed decision regarding acceptance or rejection of those services. The Department also notes that a transition to another placement is not the appropriate basis for a determination regarding ESY services.

The Department finds that the District did not comply with 603 CMR 28.05(4)(d)(1) and 34 CFR 300.503 in this matter.

Regarding whether the Student was making adequate progress and whether the Student's placement was reasonably calculated to provide a Free and Appropriate Public Education (FAPE), the Department notes that 603 CMR 28.02 (17) provides a definition of effective progress:

*Progress effectively in the general education program shall mean to make **documented growth** in the acquisition of knowledge and skills, including social/emotional development, within the general education program, with or without accommodations, **according to chronological age and developmental expectations, the individual educational potential of the student, and the learning standards** set forth in the Massachusetts Curriculum Frameworks and the curriculum of the district. The general education program includes preschool and early childhood programs offered by the district, academic and non-academic offerings of the district, and vocational programs and activities. [emphasis added]*

The U.S. Department of Education, Office of Special Education's *Dear Colleague Letter on Free and Appropriate Public Education (FAPE)* (November 16, 2015) also offers important guidance in this matter:

Therefore, in order to make FAPE available to each eligible child with a disability, the special education and related services, supplementary aids and services, and other supports in the child's IEP must be designed to enable the child to advance appropriately toward attaining his or her annual IEP goals and to be involved in, and make progress in, the general education curriculum based on the State's academic content standards for the grade in which the child is enrolled.

... In other words, the annual goals need not necessarily result in the child's reaching grade-level within the year covered by the IEP, but the goals should be sufficiently ambitious to help close the gap. The IEP must also include the specialized instruction to address the unique needs of the child that result from the child's disability necessary to ensure access of the child to the general curriculum,

so that the child can meet the State academic content standards that apply to all children in the State. [emphasis added]

The Department's review of the proposed IEPs found goals aligned to every disability and corresponding services to address the Student's needs. In September in response to the Complainant's request for the Student not to attend the Language Based Classroom, the District proposed an updated IEP that provided pull-out support. In January the District again responded to the Complainant's concerns and moved to seek an out-of-district placement.

The Department finds that the District complied with 34 CFR §300.17 and 34 CFR 300.101(a) in this matter.

Regarding whether the District provided the requested student records, the Department's review finds that there were four (4) requests for student records:

- Request One (1) - October 5, 2023: Request for Special Education Documents – ESY progress reports, IEPs from [REDACTED] through grade [REDACTED], and evaluation/assessment reports. The IEPs were provided on October 10, 2023; the progress reports were provided on October 11, 2023; evaluations were provided on October 12, 2023.
- Request Two (2) - October 5, 2023: Request for Report Cards and mid-term reports. Complainant was directed to contact the school offices for those records. It is not evident that these records were provided to the Complainant.
- Request Three (3) - October 23, 2023: Complainant requested general education records, including the report cards, and special education records, including data collected regarding IEP goals, behavior plans, correspondence, meeting summaries, etc. The Principal directed the Complainant to the Special Education Office and Central Office. It is not evident that these records were provided to the Complainant.
- Request Four (4) – April 1, 2024: Complainant requested regression and recoupment data for all Goals/Benchmarks/Objectives. Data was provided for three goal areas on April 3, 2024. However, that data was progress report data and not regression or recoupment data. It is not evident that any subsequent records were provided.

The District did not provide a log of access and it is also not evident how requests for records that are maintained in different offices are coordinated in order to ensure that the requests are fulfilled in accordance with the regulation.

The District complied with 603 CMR 23.07(2) regarding request one (1). However, regarding requests two (2) through four (4), the District did not comply with 603 CMR 23.07(2).

Corrective Action Ordered by the Department

1. By November 1, 2024, the District shall retain an independent expert to provide a training for Special Education IEP Team chairpersons as it relates to the District's obligations to: provide notice pursuant to 34 CFR 300.503, and the required content of the notice, and make decisions regarding Extended School Year (ESY) based on substantial regression pursuant to 603 CMR 28.05(4)(d).

By November 1, 2024, the District will provide the Department with a copy of the final agenda, training materials used, and the signed attendance sheet from the training.

2. By November 1, 2024, the District will update its procedures related to student records. The description must contain procedures for maintaining a log of access, documenting the provision of requested records, and coordination of record requests that pertain to multiple offices.

By November 1, 2024, the District shall submit to the Department evidence that the District's Procedures related to student record requests were finalized and approved as necessary, posted publicly and staff responsible for producing the records were informed by memorandum of the District's new procedures.

3. By September 6, 2024, the District must provide the records requested by the Complainant or inform the Complainant that the records do not exist. Please provide the Department with evidence of the provision of the record or a copy of the notice to the complainant that the requested records do not exist.

Submission of Corrective Action to the Department

By November 1, 2024, the District must provide the Department with a corrective action report (Report). **A copy of your Report must also be sent to Complainant, unless directed otherwise by PRS. Please return all required corrective action submissions pursuant to these findings to PRSCAP@mass.gov.**

Closing

PRS decisions are final and may not be appealed. If either party believes that any findings of fact that impacts the outcome and conclusions contradicts documentation provided during the course of this investigation, the party may consider the procedure outlined in this [guide](#).

Either or both of the parties may seek mediation or a due process hearing through the [Bureau of Special Education Appeals](#) (BSEA) on the same issues addressed by PRS. A due

process hearing would be a new proceeding and not for the purpose of reviewing PRS's decision. However, the BSEA's due process hearing decision would be binding on the parties and may be appealed.

As of July 18, 2024 this decision is final.

Christina Farese

Christina Farese, Ed.D., PRS Specialist
Problem Resolution System Office



Dean Paolillo, PRS Supervisor
Problem Resolution System Office

CC: Lucy Jenkins, Director of Special Education, Milford Public Schools
Kimberly Winslow, Complainant
[REDACTED], Parent