



Problem Resolution System Office
State Complaint Decision

Re: Intake PRS 14987
Student Reference: [REDACTED]
Letter of Finding

Introduction

On December 12, 2025, Kimberly Winslow (the “Complainant”) filed a state complaint (“Complaint”) with the Problem Resolution System Office (“PRS”) of the Massachusetts Department of Elementary and Secondary Education (the “Department”) on behalf of [REDACTED] (the “Parent”) related to [REDACTED] (the “Student”) involving the Needham Public Schools (the “District”). PRS’s review of this matter has identified this Complaint raises allegation(s) under Part B of the Individuals with Disabilities Education Act (“IDEA”), its implementing regulations, and/or state special education law or regulation(s).

Investigation Summary

In response to PRS 14987, the Department’s investigation into this matter included the following steps:

- reviewed the Complaint
- provided the Complainant with the opportunity to submit additional information about the allegations
- requested a Local Response (“LR”) from the District
- reviewed the LR and all information submitted by the District
- reviewed all information provided by the Complainant
- reviewed relevant state and federal special education laws, regulations, and guidance

Summary of Allegations

PRS has the authority to investigate alleged non-compliance that occurred within one year prior to the date the complaint was received by the Department, in this case, December 12, 2025. The Department investigated:

Whether the District provided written notice within five (5) days of receipt of a referral for special education eligibility, or provided a refusal to act, in November 2025.

The Department investigated pursuant to the following requirement(s): 34 C.F.R. § 300.300(a); 34 C.F.R. 300.503, and 603 CMR 28.04(1).

Findings of Fact

After an independent and complete investigation of all information, PRS makes the following findings of fact:

1. During the 2025-2026 school year, the Student was in the [REDACTED] grade in the District and had a Section 504 plan.
2. On November 14, 2025, the Parent requested a meeting to discuss [REDACTED] concerns and reconsider the Student's eligibility for special education. The Parent reported that the Student was previously found ineligible for special education on October 29, 2024, and that since then, [REDACTED] has had continued concerns about the Student's progress. The Parent stated, "[f]or the reasons stated above, we continue to reject the omission of an appropriate program, such as an IEP, providing for goals and services addressing social-emotional and executive functioning skills. We are requesting a meeting to discuss our ongoing concerns and reconsider [Student's] eligibility for special education and/or related services prior to removing Student from the District."
 - a. The District reported that it was unclear whether the Parent wished to proceed with a meeting under Section 504 to discuss the concerns, or to initiate a new evaluation process to determine the Student's eligibility for special education.
 - b. November 14, 2025, was a Friday. The District referred to the letter as the November 17, 2025, letter (Monday). Note, whether the District received the letter on November 14, 2025, or November 17, 2025, does not change the outcome of this investigation.
3. On November 21, 2025, the District responded that it would propose a meeting time to discuss the Parent's concerns. The District proposed a 504 Team meeting for December 12, 2025.
4. On December 12, 2025, the District convened a 504 Team meeting. At the meeting, the District proposed changes to the Student's 504 Plan and the Parent reported that [REDACTED] was not looking for any changes to the accommodations, but for direct services for the Student.
 - a. That same day, the District sent a consent form to conduct evaluations and determine eligibility to the Parent. The Parent signed and accepted the proposed evaluations. The District also sent a blank "Written Notice/Consent" for a Section 504 Plan and a "Notice of Section 504 Procedural Safeguards."
 - b. The Parent accepted the proposed evaluation in full but reported that the evaluations should have been proposed in response to [REDACTED] November 14,

2025, letter. The Parent also requested additional behavior observations be conducted during transitions and unstructured times.

5. The District reported that it will conduct the evaluations and convene the IEP Team within the required state and federal timelines. The District proposed an IEP Team meeting be held on February 6, 2026, which is within 31 school days of receipt of the consent to evaluation and well within the 45-day timeline required by state and federal regulations. It also reports that the Student has received all due process protections and has suffered no harm related to the evaluation timeline.
6. The District contends that to the extent the District's response to the November 14, 2025, was not timely, the error was harmless given the District's prompt response and evaluations.

Conclusions

Based on the Findings of Fact outlined above, PRS has reached the following determinations:

Conclusion to Allegation: The District failed to provide written notice to the Parent within five (5) school days of the referral for evaluation.

A district is required to send written notice to a student's parent(s) within five (5) school days when a student is referred for an evaluation to determine eligibility for special education under 603 CMR 28.04(1). The notice must meet the requirements of state and federal law, 34 C.F.R. § 300.300(a) and 34 C.F.R. 300.503, and shall seek the consent of a parent for the evaluation to occur.

Here, the Department finds that the November 14, 2025, letter was a referral for an evaluation by the Parent. When the District received the request on or about November 17, 2025, it should have provided the required notice within five (5) school days by November 24, 2025. If the District was unclear regarding the Parent's intention upon receipt of the letter, the District could contact the Parent, to clarify the Parent's intent, and respond accordingly.

The Department finds there was an initial delay in providing the required consent form of 11 school days between November 24, 2025, and December 12, 2025. The Department also finds that the blank "Written Notice/Consent" for a Section 504 Plan did not comply with the prior written notice requirement under 34 C.F.R. 300.503 and 34 C.F.R. § 300.300(a). The District was required to provide a written notice that included the content pursuant to 34 C.F.R. 300.503(b) such as a description of the proposed action, explanation of why the district proposes or refuses to take the action, and a statement of the students' rights under the IDEA (i.e., Form N1).

The District convened a meeting to discuss the Parent's concerns on December 12, 2025, and issued the required consent form that same day. The District reported it was

promptly evaluating the Student and had proposed an IEP Team meeting to determine eligibility well short of the 45-school day timeline required by state and federal regulations.

The Department finds that the District failed to comply with 603 CMR 28.04(1), 34 C.F.R. 300.503, and 34 C.F.R. § 300.300(a).

Corrective Action Ordered by the Department

By February 24, 2026, the District's director of special education, or designee, will review with the school's education team leader and supervisor(s) the content requirements for Notice of Proposed District Action (N1) and Evaluation Consent Form (N1A), and review the District's obligations to provide written notice that meets the requirements of 34 C.F.R. 300.503 and 34 C.F.R. § 300.300(a) within five (5) school days pursuant to 603 CMR 28.04.

By February 24, 2026, the District will provide to the Department the names and titles of the staff that participated in the review and the agenda. A virtual meeting is acceptable.

Submission of Corrective Action to the Department

Please return all required corrective action submissions pursuant to these findings to PRSCAP@mass.gov. The corrective action submissions must also be sent to Complainant, unless directed otherwise by PRS.

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 February 4, 2026, this decision is final.

Recipients:

Kimberly Winslow, Attorney for the Parent

██████████ Parent

Daniel Gutekanst, Superintendent, Needham Public Schools

Stephanie Wyman, Executive Director of Special Education, Needham Public Schools