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June 23, 2020

Rhonda Mojkowski, PRS Specialist
Problem Resolution System Office
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

Re: Intake PRS 3936

Dear Ms. Mojkowski:

The following is Framingham's Local Report in response to the above complaint:

In its complaint to PRS, the complainant states:

Framingham requires parents, as a condition of attending a virtual meeting, to consent to the following statement:

"Framingham will try its best, under these extraordinary circumstances, to comply with special education related timelines. However, extended school closure creates new hurdles for compliance."

A copy of the full "Notice Regarding Virtual Meetings" was attached to the complaint and is attached to this Local Report ("Previous Notice").

The quoted language was not intended as a waiver of procedural rights by parents or as parental consent to extending timelines. A fair reading of this language in the context of the whole Notice does not lead to such a conclusion.

However, in order to avoid any ambiguity or concern, Framingham has removed this language from its Notice Regarding Virtual Meetings. A copy of the Revised Notice is attached, which is now the current Notice being used by Framingham.

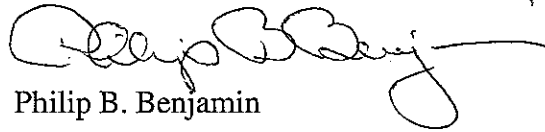
On June 19, 2020, Framingham reviewed this matter with its Special Education staff who are responsible for Team meetings. They report that no parent was denied a Team meeting because they did not agree with the statement contained in the Previous Notice which is the subject of this complaint.

Please let me know if you have any questions or require any additional information.

I hereby verify that I have sent a copy of this Local Report and related documents to the Complainant.

Very truly yours,

BENJAMIN & WHITE, P.C.

A handwritten signature in black ink, appearing to read "Philip B. Benjamin", with a long horizontal flourish extending to the right.

Philip B. Benjamin

PBB/tk

Cc: Complainant

Dr Robert Tremblay, Superintendent

PREVIOUS NOTICE

Notice Regarding Virtual Meetings

Due to extended school closure resulting from the COVID-19 pandemic and the Governor's 3/15/2020 and 3/25/2020 orders closing schools and other orders limiting gatherings and stay-at-home advisories, it is not possible to conduct an in-person IEP Team meeting at this time. In order to continue the IEP process under these conditions, this meeting is being conducted virtually via phone/video conference.

The option of conducting this IEP meeting virtually via phone/video conference was discussed with and agreed to by you. You have been informed that you have the right to not agree to hold a virtual meeting and request an in-person meeting. If you do not agree to this virtual meeting, an in-person meeting will be scheduled when Framingham schools are back in regular session.

The following are the requirements and expectations for a virtual IEP meeting:

1. Laws that protect the confidentiality of student records and personally identifying information apply to this meeting. You should take steps to ensure that this meeting is conducted in a confidential manner.
2. To the best of your ability, you should conduct your end of the virtual meeting in a location and in a manner so that it cannot be seen or heard by others.
3. You may NOT record, copy, screenshot, and/or otherwise save or record any part of this meeting.
4. You may NOT directly or indirectly post any part of this meeting in any form on social media or the internet or otherwise.
5. You may NOT share this meeting with anyone not authorized.
6. Please note that it is illegal in Massachusetts to record another person without their prior knowledge and consent.
7. The technology involved in virtual meetings is new to many of us. Framingham makes no representations and assumes no liability regarding the quality of the audio or video conferencing service used. You waive any claims against the District related to the use of these third-party vendors to provide audio and/or video conferencing services.
8. Following this meeting, Framingham will try its best, under these extraordinary circumstances, to comply with special education related timelines. However, extended school closure creates new hurdles for compliance. If you have agreed, Framingham will send the IEP and related documents to you via email. If you have not agreed to email, then these documents will be sent to you via regular mail, although there will likely be delay in the sending of these documents.

By participating in the virtual IEP Team meeting, you are agreeing to abide by the terms and expectations stated in this notice.

ENGLISH**Notice Regarding Virtual Meetings**

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