

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS
BUREAU OF SPECIAL EDUCATION AP**

In Re: Whitman Hanson RSD

BSEA No. 2007520-C

**RULING ON SCHOOL'S MOTION FOR ORDER TO FIND DISTRICT IN
COMPLIANCE WITH BSEA DECISION**

On November 27, 2020, after a two-day evidentiary hearing, I issued a *Decision* in the above-entitled matter. On January 18, 2021, Parents filed a *Motion to Order Compliance* with that *Decision*, pursuant to Rule XV of the *BSEA Hearing Rules for Special Education Appeals*. An evidentiary hearing was held on the *Motion* on February 10, 2021.

On February 11, 2021, the District proffered additional documents in support of its position. Parents objected to consideration of these additional documents. In an order dated February 17, 2021, I denied the District's request to consider these additional documents.

On February 24, 2021, I issued a ruling on Parents' *Motion to Order Compliance* in which I concluded that despite its best efforts, Whitman-Hanson had been unable to comply with the *Decision* and ordered the following:

Within ten (10) calendar days of the date of this ruling, Whitman-Hanson RSD shall effectuate a placement for Student in the preschool program at the Clarke School for Hearing and Speech in Canton, MA for the remainder of the 2020-2021 school year including the Clarke School summer program for summer 2021, consistent with the Order contained in the *Decision*.

On February 25, 2021, Whitman-Hanson filed the instant *Motion for Order finding District in Compliance with BSEA Decision*. Attached to the *Motion* was a copy of the same documents that the District had requested to add to the record on February 11, 2021, which request, as stated above, had been denied on February 17, 2021. On February 26, 2021, Parents filed an opposition to Whitman-Hanson's latest *Motion*.

After reviewing the parties' most recent submissions, I conclude that the District's *Motion* is, in essence, a restatement of its previously-denied request of February 11,

2021 to supplement the record of the hearing on the *Motion to Order for Compliance*. There is nothing in the District's most recent *Motion* that would support reversal of the rulings issued on February 17 or February 24, 2021.

As such, consistent with my ruling of February 24, 2021, Whitman-Hanson is ordered to effectuate Student's placement at the Clarke School for Hearing and Speech no later than March 8, 2021 (on which date Parents have indicated that he will be medically ready to attend school).

By the Hearing Officer:

/s/ Sara Berman

Dated: March 2, 2021

Sara Berman