

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

MEMORANDUM

TO: Matthew Engel, Attorney for Parents, and Alisia St. Florian, Attorney for Hampshire

FROM: Alina Kantor Nir, Esq., Hearing Officer, AKN

DATE: March 10, 2021

RE: In Re: Student v. Hampshire Public Schools, BSEA #2103975

Please note the following correction to the first page of the Ruling issued on January 19, 2021 on *Parent's Motion to Enforce Stay-Put* in the above-referenced matter.

Uncorrected version:

“This matter comes before the Hearing Officer on Parents’ *Motion to Enforce Stay-Put*, which was filed with the BSEA on December 2, 2020. Hampshire Regional School District (the “District”) filed an *Opposition to the Motion to Dismiss* on **December 4, 2021**, and on December 7, 2020 Parents filed *Parents’ Reply to Hampshire Regional School District’s Opposition to Parents’ Motion to Enforce Stay-Put*. The Parties argued the *Motion* on **January 11, 2020**. The arguments and testimony given were recorded by a stenographer, who is in the process of producing a transcript.”

Corrected version:

“This matter comes before the Hearing Officer on Parents’ *Motion to Enforce Stay-Put*, which was filed with the BSEA on December 2, 2020. Hampshire Regional School District (the “District”) filed an *Opposition to the Motion to Dismiss* on **December 4, 2020**, and on December 7, 2020 Parents filed *Parents’ Reply to Hampshire Regional School District’s Opposition to Parents’ Motion to Enforce Stay-Put*. The Parties argued the *Motion* on **January 11, 2021**. The arguments and testimony given were recorded by a stenographer, who is in the process of producing a transcript.”

The corrected page is enclosed for your records.

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS
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IN RE: STUDENT V.

HAMPSHIRE REGIONAL SCHOOL DISTRICT

BSEA # 2103975

RULING ON PARENTS' MOTION TO ENFORCE STAY-PUT

This matter comes before the Hearing Officer on Parents' *Motion to Enforce Stay-Put*, which was filed with the BSEA on December 2, 2020. Hampshire Regional School District (the "District") filed an *Opposition to the Motion to Dismiss* on December 4, 2020, and on December 7, 2020 Parents filed *Parents' Reply to Hampshire Regional School District's Opposition to Parents' Motion to Enforce Stay-Put*. The Parties argued the *Motion* on January 11, 2021. The arguments and testimony given were recorded by a stenographer, who is in the process of producing a transcript.

For the reasons set forth below, the Parents' *Motion* is hereby DENIED.

RELEVANT PROCEDURAL HISTORY AND FACTUAL BACKGROUND:

On November 23, 2020, Parents filed a *Hearing Request* alleging, in part, that Student's current placement at William E. Norris Elementary School in Southamptn, Massachusetts fails to provide him with a FAPE. Parents' *Hearing Request* seeks placement for Student at White Oak School in Westfield, Massachusetts.

On December 2, 2020, Parents filed the instant *Motion to Enforce Stay-Put* in which they assert that Student's "most recent IEP dated 02/05/20 to 02/04/20 was accepted by the Parents" and called for 40 minutes of specially designed instruction in Reading from a Special Education Teacher 2 times per day. However, in an IEP Amendment dated November 16, 2020, the service was reduced to 1 time per day without prior discussion at the November 12, 2020 Team meeting. Parents further allege that they "were not provided with Prior Written Notice of the reduction and [that] Parents [did] not agree[]" to the reduction." Parents, hence, assert that they are "entitled to a restoration of the total amount of Reading services which were in the IEP prior to the IEP Amendment."