



March 19, 2026

Brian Raposo, Acting Superintendent
Fall River Public Schools
417 Rock Street
Fall River, MA 02720

Re: Intake PRS 15514
Group: Substantially Separate Kindergarten
Students at the Silvia Elementary School
Request for Local Response

Dear Acting Superintendent Raposo:

The Massachusetts Department of Elementary and Secondary Education's (the "Department") Problem Resolution System Office ("PRS") received a statement of concern from the advocate, Joey Ford (the "Complainant") on March 6, 2026, involving the Frank M. Silvia Elementary School (the "School") within the Fall River Public Schools (the "District"). Collectively, these groups are referred to as the "Parties."

In response to this statement of concern, PRS will review all relevant information and make an independent determination as to whether the District complied with the relevant provisions of federal and state education laws and regulations. The Department may conduct an on-site investigation as it deems necessary. PRS has the authority to investigate alleged non-compliance that occurred within one year prior to the date the complaint was filed, in this case, March 6, 2026.

PRS must provide the District with an opportunity to respond to the allegation(s) and submit the relevant documents, which is satisfied through this letter. If PRS does not receive the District's response with the relevant information and documents by the date stated in this letter, PRS may conduct an onsite investigation to obtain any records or information needed by PRS or proceed to reach an independent determination without the District's response.

Based upon the Department's initial review of the Complainant's concerns, the Department has determined that it will not review the following concerns:

- The Complainant noted concerns related to student safety, as well as potential retaliation against District staff.

Matters involving the care and welfare of children fall within the jurisdiction of the Department of Children and Families and concerns may be directed to that agency.

DCF Fall River Area Office

1822 North Main Street, Suite 400

Fall River, MA 02720

508-235-9800

- Concerns related to personnel and employment are not within PRS's authority to investigate. The Complainant may wish to contact Acting Superintendent Brian Raposo to further discuss these concerns (braposo@fallriverschools.org).

PRS will investigate the following concerns:

1. Whether the District followed proper restraint procedures and reporting requirements during the behavioral incident occurring on February 4, 2026.

The Department anticipates investigating pursuant to the following requirement(s):

- [603 CMR 46.00](#)
2. Whether the District provided training for the School staff as it relates to implementation of behavioral support and restraint prevention for students with disabilities in crisis situations.

The Department anticipates investigating pursuant to the following requirement(s):

- [603 CMR 46.04](#)
3. Whether the District provided adequate staffing in the School's substantially separate Kindergarten classroom to allow for full implementation of the student group's IEPs.

The Department anticipates investigating pursuant to the following requirement(s):

- [34 CFR § 300.17](#)
- [34 CFR 300.323](#)
- [603 CMR 28.05\(7\)\(b\)](#)

The District's Local Response to PRS is due by April 7, 2026. Please refrain from providing the District's Local Response to the Complainant in order to protect the personally identifiable information of students involved. **The District shall, however, submit complete and unredacted copies of all Local Response documents directly to the Department only.**

As part of its Local Response, the District must provide the Department with the following:

- A. A detailed description of the District's understanding and position regarding the allegations in the complaint, with references to supporting documentation

submitted along with the Local Response

- B. Copies of IEPs for students placed within the School's substantially separate Kindergarten classroom at the School during the 2025-2026 school year.
 - a. Please also include copies of the students' IEP progress reports, report cards, or other forms of progress monitoring used to track progress during the 2025-2026 school year.
- C. Copy of the District's written restraint prevention and behavior support policy and procedures for the 2025-2026 school year.
- D. Copies of ALL restraint report(s) related to the February 4, 2026 behavior incident involving students within the School's substantially separate Kindergarten classroom including, but not limited to: names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; the name of the principal or designee who was verbally informed following the restraint; a description of the activity in which the students involved and staff in the same room or vicinity were engaged immediately preceding the use of the physical restraint; a description of the behavior that prompted the restraint; a description of the administration of the restraint, including the holds used and how the restraint ended, and the date in which each written report was provided to parent/guardian.
- E. Documentation showing that the District made reasonable efforts to orally notify a parent of the use of restraint of students involved within 24 hours, and sent written notification to the parent within three school working days following the use of restraint.
- F. Training materials from the most recent annual restraint training with date(s), name(s)/role(s) of participants, name of physical restraint training program, and current list of certified staff.
- G. A detailed explanation of the staffing model for the School's substantially separate Kindergarten classroom during the 2025-2026 school year, including staff-to-student ratios, staff qualifications, and staff responsibilities.
- H. Include a description of the substantially separate Kindergarten program.
- I. Documentation demonstrating how the District ensures adequate staffing to implement all IEP services for students in the substantially separate kindergarten classroom.

Additional Information

Electronic Transmission of Information

PRS typically communicates with the parties to a complaint electronically and requests that all documentation and information be submitted electronically as well. However, for this process, **the Department does not accept documents submitted via shared electronic links** (e.g., Google Drive, Dropbox). Acceptable methods for submitting documentation include:

- Email
- Postal mail
- In-person drop-off

If any party requires printed materials from the Department, please contact the assigned PRS Specialist.

Attempts at Resolution During Complaint Process

The Parties are encouraged to continue to work together to resolve their disputes before, during, and after a complaint has been filed with PRS. If the Parties resolve any of the concerns raised in this complaint before PRS has reached a determination, the Parties should notify the assigned PRS Liaison or contact the [PRS Office](#). Parties may provide notice of the agreement to PRS by using the Local Agreement Notice form linked [here](#).

In some cases, Parties may find it helpful to access the Bureau of Special Education Appeals (BSEA) for other dispute resolution options, including mediation, facilitated IEP team meetings, and due process hearings. For more information, please see: <https://www.mass.gov/orgs/bureau-of-special-education-appeals>.

During the complaint process, the Complainant and the District/School/Public Agency may decide to voluntarily participate in **mediation** made available through the BSEA. If the Parties elect to engage in BSEA mediation on matters that are also the subject of a simultaneously pending PRS complaint, the Parties are encouraged to notify both the BSEA and PRS of the BSEA mediation and PRS complaint to discuss the options available to them.

During the complaint process, the Complainant and the District/School/Public Agency may decide to seek a **due process hearing** through the BSEA. Pursuant to 34 C.F.R. § 300.152(c)(1), PRS must suspend its investigation into any issues raised within a PRS complaint that are also the subject of a simultaneous BSEA due process hearing until the conclusion of the due process hearing.

Complainant's Final Opportunity to Submit Additional Information

A Complainant is encouraged to submit information, including any documentation relevant to their allegations when filing their complaint. The Complainant may submit additional information, either orally or in writing, about the allegations during the investigation of their complaint. PRS will establish a timeline, at its discretion, for the Complainant's submission of any additional information. The timeline will be set so as

not to delay completing the investigation within the required timeline. A copy of the additional information must be sent to the party against whom the complaint was filed.

Acknowledging Non-Compliance

The party against whom the complaint is filed may acknowledge non-compliance in its Local Response. Additionally, at its sole discretion, the party against whom the complaint is filed may propose corrective action(s) that it believes will resolve the identified non-compliance. Based upon PRS's independent determination of noncompliance and appropriate corrective action(s), PRS may adopt the proposed corrective action(s), modify the proposed corrective action(s), or reject the proposed corrective action(s).

Possible Subsequent Requests for Information

During its investigation, PRS may determine that it is necessary to request additional information or documentation from either or both of the Parties. PRS determines what information is necessary to complete a full and independent investigation into the allegations in the complaint and determines whether any violations of federal or state education laws or regulations occurred. While PRS is required to consider all information related to a complaint investigation, PRS may not consider, at its discretion, any information submitted late or untimely.

The Determination

Upon completion of the investigation, PRS will issue a written decision to the Parties that addresses each allegation reviewed in its investigation and contains findings of fact, conclusions, and the reasons for the final decision. If PRS issues a finding of noncompliance, PRS may require the District to implement certain corrective action(s) or other appropriate steps to address its failure to comply with the relevant law or regulation as outlined in the PRS determination. PRS has broad authority to determine the corrective action(s) necessary to resolve the non-compliance identified in a specific complaint.

PRS Procedures

The PRS Special Education Procedures Guide is available for review on the PRS website at <http://www.doe.mass.edu/prs/>.

If either party has any questions during the investigation process, please do not hesitate to contact me at Nicholas.Rodriques@mass.gov. Thank you for your cooperation in this important matter.

Recipients:

Lori Ann Obenchain, Special Education Director, Fall River PS

Joey Ford, Complainant

James Sullivan, Chief Officer of Special Education Compliance, Fall River PS