

Nancy Peterson
September 4, 2008

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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION APPEALS

BSEA No. 08-3060

ROSE L., *

Student *

vs. *

LEXINGTON PUBLIC SCHOOLS, *

School District *

DEPOSITION OF: NANCY PETERSON

99 High Street

Boston, Massachusetts

September 4, 2008 2:00 p.m.

Laura Naylor

Registered Professional Reporter

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1 the time out room or keeping track of that?
2 A. I recall that I asked them to write
3 up an incident during which Rose took off her
4 clothes and refused to put them back on and peed
5 in the room.
6 Q. Did you ask them to create a record
7 of any other instance of use of the time out room
8 or the oops room other than that one incidence?
9 A. I recall asking Jacquie to put
10 together a kind of chronology for her data.
11 There was a summary of the dates.
12 Q. Excuse me. This was something you
13 asked Jacquie to do?
14 A. Yes.
15
16 (Exhibit 8, Team Meeting Notes,
17 marked)
18
19 Q. (By Mr. Heffernan) I am showing you
20 what has been marked as Exhibit 8. Those are a
21 compilation of team meeting notes. Looking over
22 that, do you recognize any of the handwriting?
23 A. Ms. Buckley.
24 Q. On the last page?

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1 A. On the very last page.
2 Q. Looking at the first page of Exhibit
3 8, it talked about, it has a date of 12-13-05.
4 And it's an ROT meeting. Can we assume that is a
5 team meeting about Rose on December 13th?
6 A. I am sorry. Is that a question?
7 Q. Assume that it was a December 13,
8 2005 team meeting about Rose. It says RL.
9 A. That is what it says, yes.
10 Q. Were you in attendance at this
11 meeting, if you recall?
12 A. I do not recall.
13 Q. Do you see any mention in that, the
14 two pages, the beginning of Exhibit 8 that
15 mentions anything about a time out room?
16 A. Let's see. Option to use the quiet
17 room and a quiet room over here. Those are the
18 only two references in these two pages that I
19 see.
20 Q. There is no reference there to a
21 time out, the term time out room or oops room is
22 there?
23 A. No.
24 Q. There is -- you mentioned, you

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1 pointed out two references to a quiet room. What
2 was a quiet room?
3 MS. STEIN: Objection.
4 THE WITNESS: It could have been --
5 I am not sure who wrote this, but their
6 phraseology for the oops room or time out
7 room. That is just an assumption.
8 Q. (By Mr. Heffernan) It could have
9 been some other room?
10 MS. STEIN: Objection. It could
11 have, but I don't know of any other room.
12 Q. (By Mr. Heffernan) When you were at
13 Fiske in the 2005, 2006 school year, had you ever
14 heard the use of the term quiet room?
15 A. I know I have used the term quiet
16 room, but I don't know in reference to anything
17 in '05.
18 Q. When have you -- in what -- sorry.
19 A. I use terms quiet room, quiet place,
20 thinking place. Those are just phrases I use
21 with children.
22 Q. It could be any number of rooms?
23 A. Uh-huh.
24 Q. Or places in the school, correct?

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1 A. Correct.
2 Q. What precipitated you asking
3 different staff members to sort of write up the
4 incidence of January 6?
5 A. I was very concerned about the
6 incident.
7 Q. When did you first hear about the
8 incident?
9 A. Right after the day ended, as I
10 recall, either Jacquie or Meg came to me to
11 explain it. It was a very serious situation, so
12 I wanted to make sure I got information from
13 everybody involved.
14 Q. What did they tell you? Tell me
15 everything you remember about what they told you
16 about the incident.
17 A. I remember them telling me that Rose
18 was in the room and that she took off her clothes
19 and that she refused to put them back on and that
20 she was yelling about the fact she wanted to run
21 naked through the school and that she peed in the
22 room.
23 Q. And did you do anything as a result
24 of hearing this from them?

19 (Pages 70 to 73)

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1 A. I gathered information. I don't
2 recall whether it was Meg or Tricia, asked them
3 to make sure the parents were notified.
4 Q. You asked them or they asked you?
5 A. I asked them to make sure parents
6 were notified.
7 Q. Did you have any discussion with
8 Rose's parents about that incident?
9 A. I don't recall.
10 Q. Did you have any discussion with
11 Rose's parents about the time out room or the
12 oops room?
13 A. Not that day.
14 Q. At any point?
15 A. I do remember mom coming in and
16 asking to see the room. And I took her to the
17 room. It was after this incident. And then at a
18 later point I remember dad coming asking to see
19 the room.
20 Q. What was -- what do you recall about
21 discussions with Ms. Peoples when you took her to
22 see the room?
23 A. I don't recall a discussion.
24 Q. How would you describe her reaction

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1 to see the room?
2 A. I recall that she was sad.
3 Q. Was she surprised by what the room
4 looked like?
5 A. I recall she was sad. She might
6 have been surprised. She was emotional.
7 Q. Fair to say she was shocked by what
8 the room looked like?
9 A. I am saying she was sad.
10 Q. How about when you showed Mr.
11 Lichtenstein the room?
12 A. I think Mr. Lichtenstein was
13 surprised also. I don't remember any
14 conversation. I remember wanting to set up, you
15 know, a meeting.
16 Q. Was the time out room, oops room,
17 used for the rest of the school year, the 2005 to
18 2006 school year?
19 A. I think that it was, but again I
20 don't have the documentation. It still
21 maintained the other two students. How
22 frequently they used it, I don't know.
23 Q. To your knowledge the room was still
24 operational for the remainder of the 2005, 2006

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1 school year?
2 A. I don't recall.
3 Q. But you don't have a memory of it
4 being disassembled?
5 A. I don't. I don't.
6
7 (Exhibit 9, Time-Out Visit 1-6-07,
8 marked)
9
10 Q. (By Mr. Heffernan) I am showing you
11 what has been marked as Exhibit 9. I believe
12 this is one of the write ups that you asked the
13 staff to do on the incident of January 6. Is
14 that fair to say?
15 A. Yes, I believe this is the one that
16 Jacquie wrote.
17 Q. Have you seen it before?
18 A. I am sure I have seen it before,
19 yes.
20 Q. Did you attend a meeting after this
21 January 6th incident with the family?
22 A. Yes, I did.
23 Q. Who was in attendance at that
24 meeting, do you recall?

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1 A. I recall, if I am not mixing it up,
2 it was a large meeting. It would have been mom
3 and dad myself, the team. Jen from the care
4 program may have been there.
5 Q. Jen? Is that Jen Ferrara?
6 A. Yes.
7 Q. Was this --
8 A. I could have been mixing it up with
9 the previous one, but I know there was a meeting
10 after that.
11
12 (Exhibit 10, Document, marked)
13
14 Q. (By Mr. Heffernan) I show you what
15 has been marked as Exhibit 10. Do you recognize
16 the handwriting on that?
17 A. No.
18 Q. When you showed Rose's parents the
19 room, the time out room, it was the one on the
20 second floor; correct?
21 A. Correct.
22 Q. Was there anything covering the
23 window?
24 A. I don't recall.

20 (Pages 74 to 77)