

Filing a Complaint with the Massachusetts Department of Elementary and Secondary Education

A Tool to Advocate for Children in a Remote Learning Environment

All children, including children with disabilities, must be provided with education during the extended school closures resulting from the COVID-19 pandemic. If a school is not providing education to a child, one way to get help could be through the Problem Resolution System (PRS).

What is the Problem Resolution System (PRS)?

The Massachusetts Department of Elementary and Secondary Education (DESE) has a dispute resolution system to respond to complaints about schools failing to follow the law. This system, the Problem Resolution System (PRS), provides information, investigation and dispute resolution options regarding student rights.

Why file with PRS during the COVID-19 extended school closures?

- Student cannot access an online classroom, and the school refuses to provide an alternative
- Student did not receive remote education materials
- School did not develop a remote learning plan
- School refuses to provide Individualized Education Plan (IEP) instruction or services remotely
- School refuses to hold an annual or requested IEP meeting by phone or videoconference
- School refuses to evaluate student for special education services
- School refuses to provide student accommodations for their disability (i.e. assistive technology)
- School asks educational decision-maker to sign a waiver of procedural rights
- School of origin refuses to provide transportation for in-person services
- School or district refuses to provide in-person summer services to high-priority student
- School unlawfully refuses to enroll student

Who can file?

Anyone can file, including a parent, social worker, attorney, counselor, or other third party. If you are not the parent, you will need to obtain the parent's or education decision maker's consent to file a complaint related to a specific child.

What happens when I file?

PRS will notify the school district of your complaint and will reach out to the district to get more information. The school district will write a report, and you will have a chance to respond if you disagree. Then, PRS will make a decision and order any relief.

How do I file a complaint?

You can file a complaint online here: <http://www.doe.mass.edu/prs/intake/default.html>. The complaint form is available in English, Arabic, Cape Verdean, Chinese Traditional, Haitian Creole, Khmer, Portuguese, Russian, Spanish, and Vietnamese. If you have questions, want to talk to someone about your concern, or want to request a paper complaint application, you can also call PRS at 781-338-3700. PRS has interpreters to provide language access assistance.

Is this the only way to get help?

There may be other ways to address these issues, including with the Massachusetts Bureau of Special Education Appeals (BSEA) and the U.S. Office for Civil Rights (OCR). You may want to consult with a lawyer, especially if you think the student will need additional support or compensatory services to make progress in school when school buildings open again. **Call EdLaw at 617-910-5829 or email us at edlaw@publiccounsel.net for more information.**

SAMPLE PRS COMPLAINT

Submit online here: <http://www.doe.mass.edu/prs/intake/default.html>

Talk to a specialist at PRS or request a paper version of the complaint by calling 781-338-3700

Contact Information

Fill out your contact information and some details about the student. ***If you are not the parent of the child, you will need to obtain the parent or educational decision-maker's consent before filing.***

Concerns

Brief Statement of Concerns: Provide as much information about the student's problem in school and with remote education as you can, naming any important dates and people who were involved.

Here is an example:

Since schools closed, my son John has only received a large packet of homework from the school. The packet of work they gave me was for 8th graders, and John is in the 7th grade. I have only heard from his teacher, Ms. Doe, by phone twice on April 3 and April 22 since the school building closed. Ms. Doe told me that my son would not be able to talk with his school counselor or continue to get speech therapy as required by his IEP. I asked for an IEP meeting to discuss, but I was told that I could not have one until the fall. I am worried John will fail his classes and won't be able to start the 8th grade.

If you have any documents from the school that support what you say (i.e. school records, including IEPs or 504 Plans, or emails with school staff), you should **attach** them at the end of the page where it says: "Do you have documents you wish to submit to support the facts set forth in any of your responses in this form?"

Your Attempts to Resolve Concerns: You should explain all the steps you have taken to try to address this issue with the student's teacher, the principal, the superintendent, the school special education or 504 coordinator, the contact person on the student's IEP, and/or the director of special education for the district, as appropriate.

Here is an example:

I called my child's teacher and the principal, but they never called me back. I also sent them emails, which are attached to this complaint. I called the Superintendent's office on April 22, but no one responded. Finally, I called PRS and spoke to a specialist who told me to file this complaint.

Another important first step you can take is to **call the Problem Resolution System at 781-338-3700, and they may have advice on steps you can take before filing your complaint.**

Actions by the School You Believe Would Resolve Your Concerns: This is your chance to ask for what the student needs to fix the problem. You can also ask for relief for other students in similar situations.

Some examples include:

- *Immediate implementation of instruction/services in IEP or accommodations in 504 Plan*
- *Order to hold a virtual or telephone IEP meeting or 504 meeting*
- *Extra tutoring or compensatory services to make up for lost instruction or services*
- *Changed school policies about remote learning or special education*

SUBMIT!