

Detailed Guide to Massachusetts Department of Education Problem Resolution System:

Enforcing Students' Rights during COVID-19 School Closures

Students are entitled to an education during Covid-19. If your student is not able to access the curriculum because of remote learning and/or is having a hard time learning because of a lack of supports and services during remote learning, you can file a complaint with **the Problem Resolution System (PRS) Through the Massachusetts Department of Education (DESE)**.

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.

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 permission 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 can order the school district to take action to address your concern.

How do I file a complaint?

You can file a complaint online here: <http://www.doe.mass.edu/prs/intake/default.html>. If you have questions, want to talk to someone about your concern, or want to request a paper complaint, you can also call PRS at 781-338-3700. PRS has interpreters to provide language access assistance.

What is the purpose of this guide?

This guide will walk you through how to fill out the most important sections of the complaint if your student is struggling with remote learning. The most important sections of the complaint are: (1) "Brief statement of concerns" section; (2) "Attempts to resolve current concerns" section; (3) "Actions by the school you believe would resolve your concerns" section. Attached is also our "Quick Guide" which will walk you through how to fill out DESE's online form.

This guide is intended to be a tool to help families fill out a PRS complaint. It is not legal advice and we cannot guarantee a particular outcome or that this process will get you the outcome you want. Still, filing a PRS complaint is important because DESE is not aware of problems in the district unless people file complaints, and your complaint may help not only your student but also other students across Massachusetts. If you have questions about the guide or are still unsure about how to fill out the PRS form after looking at the guide, call the EdLaw Project intake line at 617-910-5829, OR FILL OUT THE Helpline intake form at <https://edlaw.publiccounsel.net/edlaw.aspx>.

Problem Resolution System

Problem Resolution System Office - Intake Information Form

This guide is intended to be a tool to help families fill out a PRS complaint. It is not legal advice and we cannot guarantee a particular outcome. If you have questions about the guide or are still unsure about how to fill out the PRS form after looking at the guide, call the EdLaw Project intake line at 617-910-5829.

Contact information

Provide details about you as well as your contact information. DESE will only contact you using the information you provide below.

Salutation

* First name

* Last name

* Phone

* Email

* Address

* City

* State

* Zip

Additional information about you

Let us know a little more about you, based on your answers, we may ask for additional information.

Primary language

* Your role

Accommodations required in communicating with us

District and School

Please select the district and school from the dropdown menus below. If the district or school is not listed, select the checkbox underneath the dropdown to enter the information manually.

* District

School

Part I: Contact Information

1. Fill out your contact information. You should put down your information, even if you are a parent or advocate filing on behalf of a student.

2. Describe your role or relationship to the student here (i.e. parent? advocate?).

3. List your primary language and any accommodations you need to communicate with DESE.

4. List the student's district and school.

Student or Group details

Select the appropriate Program and Student type, based on your answers, we may ask for additional information.

* Does this concern an individual or group of students?

Student program type

*

Parent/Guardian information

Provide details about the parent as well as their contact information.

* First name

* Last name

* Phone

* Email

* Address

* City

* State

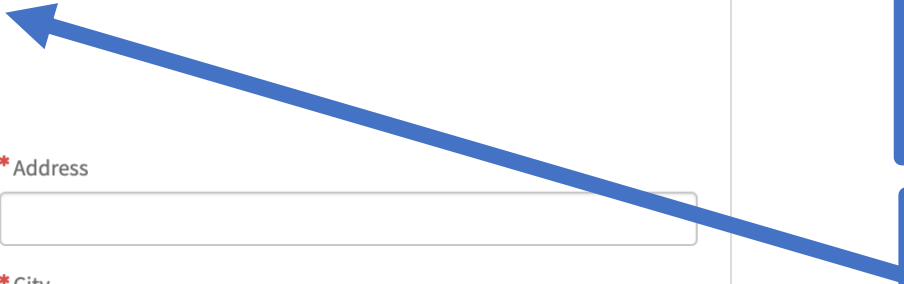
* Zip

5. If you are filing for a particular student (i.e. your client or your child), you should select "individual."

NOTE: You do not need to file for a "group of students" to ask for school or district policy changes in #10 (below).

6. Select the student's educational program. If the student has an IEP, select "special education."

7. If you are not the student's parent, the form will ask you to fill out the parent's information as well. If you are the student's parent, you will not be required to fill this out again.



Part II: Concerns

Concerns

Describe your concern, stating the specific facts on which the concern is based. You may also attach any documents that you believe would be helpful to the Department in understanding your concern.

* Brief statement of concern(s)

Your attempts to resolve current concern(s)

Actions by the school you believe would resolve your concern(s)

Are any of these concerns currently being addressed by Mediation or a Hearing in the Bureau of Special Education Appeals (BSEA)?

For charter school complaints only: If you have forwarded your concerns to the Board of Trustees, please include your complaint and the Board's response.

Submit Board of Trustees Documentation under Add Attachments.

10. Describe what you would like the school or district to do to fix the problem. You can also ask for help for students in similar situations. Some examples of help to ask for include:

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

11. Select "yes" only if a complaint has already been filed at the Bureau of Special Education Appeals (BSEA), which is a state agency that resolves disputes about special education. You do **not** need to file a BSEA complaint in order to file a PRS complaint. If you would like to learn more about filing a BSEA complaint, call EdLaw at 617-910-5829.

8. Describe the student's problem. Give as much detail as possible about dates and people involved (i.e. teachers, school staff). If you have documents to support what you say, you can attach them in #15.

9. Explain all the steps you have taken to try to solve the problem 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 school district. Remember that another important first steps you can take is to call the Problem Resolution System at 781-338-3700.

12. Click the box to give consent to share information. If you are the parent, fill out your contact information here. If you are not the parent, you will need to get the parent's consent.

Confidentiality and third party information sharing

Due to the requirements of federal and state privacy laws, it is necessary for the Department to obtain explicit consent in order to share any student information with a third party.

This section is for persons who file a complaint but are not the student's parent, guardian nor an adult student (18 years of age or above). These types of complaints are known as "third party" complaints.

Third party complaints are typically filed by advocates, attorneys or an agency representative.

I give my consent for the Department to share personally identifiable student information with the following persons or parties for purposes of handling this complaint.

*Name	<input type="text"/>	*City	<input type="text"/>
*Phone	<input type="text"/>	*State	<input type="text"/>
*Email	<input type="text"/>	*Zip	<input type="text"/>
*Address	<input type="text"/>		

13. A copy of your complaint will be shared with the school district. Usually, the district will be required to prepare a "local report" responding to your complaint. Click this box to acknowledge this.

You must share a copy of your complaint with the School District

By selecting "I accept", you acknowledge a copy of your complaint will be shared with the District electronically at the time of submission.

I agree

14. Sign by clicking the box!

Sign and submit form

By selecting "I accept", you are signing this form electronically. You agree your electronic signature is the legal equivalent of your manual/handwritten signature.

I agree

* Do you have documents you wish to submit to support the facts set forth in any of your responses in this form?

* Select Add attachments below to upload and submit documentation with this form.

15. Don't forget to add attachments! If possible, provide documents like school records or emails with school staff to show what the problem is. If you select yes, click "Add attachments" at the bottom right corner of the page.

16. SUBMIT!

Submit

 Add attachments

Before you get started

As you go through the guide and write the complaint it may also be helpful, **but is not required**, that you have some other documents on hand, including:

- The student's IEP or 504 plan, if they have one.
- The student's remote learning schedule that outlines when and how the student can access their classes and services, if the school provided one.
- Any written communication (letters, emails, text messages) with the school that you can find about your concerns about of the services the school is providing (for example, an email you sent requesting that the school provide certain services in person, or the school's response where they refused to provide a service).

PRS Guide: "Brief statement of concerns" Section

1. What is the school doing to educate your student?

A. What is the school's current plan for all students during COVID-19? Is the school:

- Fully remote for all students.
- Fully remote for some students and hybrid for some students.
- Hybrid for all students.
- Hybrid for some students and fully in person for some students.
- Fully in person for all students.

In the brief statement of concerns section, include the following language: **[SCHOOLS NAME] is currently [BOX YOU CHECKED OFF ABOVE].**

B. What is the school's plan for your student? Is your student attending school:

- Fully remote.
- Hybrid (if hybrid, specify the days per week that they are in school/getting in person support in the community vs. at home).
- Fully in person.

In the brief statement of concerns section, including the following language: **[STUDENT'S NAME] is currently attending school [STATE THE PLAN FOR YOUR STUDENT].**

- C. Has the school's plan for the student changed since the beginning of the school year? (For example, was the student previously attending school in person and is no longer attending school in person due to a change in the schools plan).

If the school's plan for the student has changed since the beginning of the school year, include the following statement in the brief statement of concerns section:

[STUDENT'S NAME] was previously receiving [IN PERSON SERVICES/HYBRID SERVICES] and is no longer receiving those services due to a change in the schools plan.

- D. If the student is eligible for special education services, the school should have provided the student with a remote learning plan that includes the student's schedule and how they are going to access the services in the IEP.

- If the student is on an IEP and the school did not provide a remote learning plan, including the following statement in the "brief statements of concerns" section: **[STUDENT'S NAME] is on an IEP, but has not received a remote learning plan, in violation of DESE guidance.**
- If the school did provide a remote learning plan, but the plan does not include all of the student's services, include the following statement in the brief statement of concerns section: **[STUDENT'S NAME] received a remote learning plan. The plan includes [LIST ANY SERVICES THE PLAN DOES PROVIDE] but the plan was missing [LIST ANY SERVICES THE STUDENT IS SUPPOSE TO GET ACCORDING TO THEIR IEP THAT AREN'T INCLUDED IN THE PLAN]. As a result, the student is not receiving a free appropriate public education.**
- If the school did provide a remote learning plan, include the following statement in the brief statement of concerns: **[STUDENT'S NAME] received a remote learning plan, which includes the following services [LIST THE SERVICES THE STUDENT IS RECEIVING].**

2. Explain why the school's plan is not working for the student.

Next, you should describe why the school's plan is not providing the student with the education they are entitled to. Check off any of the below circumstances that apply.

A. For All Students:

- The student does not have a computer.
- The student does not have access to internet.
- The student does not have a space where they can do remote learning in their home.
- The student is currently experiencing homelessness and does not have a space to do remote learning.
- The student is currently living in a foster home or group home and does not have a space to do remote learning.
- The student's caregivers are working/unavailable and the student needs in-person supervision to engage in learning.
- The student is refusing to sign-in to remote classes.
- The student is not being transported by the district to in-person services or programs required by the IEP.
- Other (please explain)

B. For English Language Learners and/or Limited English Proficient Parents:

- The students' first language is not English, and the student is not receiving any support to help them learn English (please explain).
- The parents are not receiving translated documents or interpretation services.
- Other (please explain).

C. For Special Education Students:

- The school is not providing the special education services the student is entitled to in their IEP.
- The student gets a service that cannot be provided remotely, and the school is not offering the services in-person.
- The student cannot access online learning due to their disability. Please explain (i.e. The student is anxious and cannot log in, the student gets upset and refuses to log in, the student cannot focus on the computer screen for extended periods of time, etc.)
- Other (Please explain).

Include the following language in the brief statement of concerns section: **[STUDENT NAME] cannot access their education under the student's current plan because [INCLUDE INFORMATION FROM ALL BOXES CHECKED ABOVE].**

3. If you would like your student to be receiving services in person, identify whether the student is entitled to be prioritized for in-person learning

If you would like your student to receive in person services, identify if your student falls into one of the categories of students that The Massachusetts Department of Education has said should be prioritized for in person learning by checking off the boxes below. If you are not looking for in person learning, skip to the next section.

Check off any box that applies to your student:

- The student has a disability, and
 - Has been identified as “high needs” on the IEP form PL-3.
 - Cannot engage in remote learning due to their disability.
 - Primarily uses aided and augmentative communications.
 - Is currently homeless.
 - Is in foster care or group home.
 - Is dually identified as English language learner.
- The student is an English Learner.
- The student does not have access to reliable internet or a quiet space to do remote learning.
 - Is currently experiencing homelessness.
 - Is currently in foster care or a group home.
- The student does not have access to reliable internet or a quiet space to do remote learning.
- The student is significantly behind academically.
- The student has not been able to engage in remote learning so far.
- The student is too young (Pre-K – 5) to engage in remote learning.

If your student falls into any of the categories listed above, they should be prioritized for in person learning. In the “Brief statement of concerns” section include the following statement: “**[STUDENT’S NAME] is entitled to be prioritized for in person learning because [SPECIFY PRIORITY CATEGORY OR CATEGORIES FROM ABOVE LIST].**” **Without in person learning my student is not receiving a free appropriate public education.**

PRS Guide: “Your Attempts to Resolve Current Concerns” Section

If you have reached out to the school with ideas about how they could provide accessible education to the student, describe what happened in the “Your attempts to resolve current concerns” section. If the school ignored your request, include that information in your complaint under the “Efforts you made to resolve the issue” section. If the school answered your request in writing (letter, email, or text message), attach your request and their response to your complaint.

PRS Guide: “Actions by the School you Believe Would Resolve Your Concerns” Section

What does your student need in order to access their learning? Check off all that apply

- The student should be able to attend school in person more days per week. (Specify how many days the student is currently attending in person (0-4) and how many days they need to attend in person (1-5)).
- The school needs to provide specific services in person (specify the services they should provide and where, e.g. at a school building, in the community or in the home).
- The student needs to be provide more remote services 1:1 or in small groups. (specify which services and whether or not you want them to be 1:1 or in a small group)
- The student needs to have a clear schedule for when they will receive all their services. (Specify which services they are currently not receiving and/or issues with the current plan.
- The student needs services to make-up for the services they have not been getting. (For general education students these services are called “recovery support” services, for special education students these are often referred to as “compensatory services.” Services could include 1:1 or small group tutoring, or make up special education services such as extra sessions with a speech and language pathologist or occupational therapist.)
- Other (please explained)

Please include the following in the “Actions you believe would resolve your concerns” section: **In order for [STUDENT’S NAME] to access their education the school needs to [INCLUDE INFORMATION FROM ANY BOX CHECKED ABOVE].**