

**Filing a Complaint with
the State Department of
Elementary & Secondary
Education (MA DESE)**

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What is EdLaw?

The EdLaw Project (“EdLaw”) is a Massachusetts-based non-profit organization located within the state public-defender agency (CPCS) focused on combating the School-to-Prison Pipeline by providing:

- ❖ Direct education advocacy in matters of special education, school discipline and school stability to court-involved youth (child welfare & delinquency matters)
- ❖ Training of statewide juvenile bar and many others
- ❖ Technical Assistance through intake line – (617) 910-5829



In General



- ❖ The process of filing a complaint about a school district with the Massachusetts Department of Elementary & Secondary Education (MA DESE) is not well-known and as a result is under-utilized
- ❖ Fairly simply process, which can be extremely helpful in situations, such as disciplinary actions.
- ❖ Can lead to systemic change within school districts

Program Resolution System Office (PRS)



- ❖ A program under the MA department of Elementary and Secondary Education (DESE)
- ❖ Complaint management through “Problem Resolution System”
 - The Problem Resolution System Office (PRS) is the unit within the DESE that manages the system for receiving and resolving complaints of non-compliance with laws and regulations
 - Must be in written form
 - Cannot be filed concurrently with a BSEA hearing request on the SAME ISSUE
 - May be filed by anyone
 - <http://www.mass.doe.edu/prs/>

When to Use

- ❖ General education issues
- ❖ Procedural violations discipline law.
- ❖ Special education if violation of regs. within past year
- ❖ Examples:
 - Bullying
 - Dress code
 - Discipline procedural violations
 - McKinney-Vento and Foster Care School stability issues
 - Special education procedural violations



Limitations

- ❖ Does not have authority to review factual basis for determination of disciplinary consequences or whether actions warrant disciplinary measure imposed.
- ❖ Process can take two to three months
- ❖ If urgent matter, may not be best solution, but...
 - Puts pressure on and gains attention of district and they may start correcting issues
 - Will help future students.
- ❖ Put every possible infraction in the complaint!

PRS Specialist Assignments



- ❖ Each school district is assigned to a specific specialist
- ❖ 8 specialists and 2 supervisors
- ❖ Can look-up your specialist on website by school district:
<https://www.doe.mass.edu/prs/specialist.html>

Process for Filing a Complaint

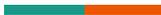


- ❖ Contact the PRS specialist to discuss the situation
 - Boston specialist is Stacey Hayes, she may give you advice on complaint.
 - A complaint can be opened by phone, but MUST be followed up in writing with a completed Intake Form
- ❖ Anyone can file
 - Make sure family in agreement before you do on their behalf
 - Need their written permission
 - Can file on behalf of a group – systemic complaint
- ❖ See Problem Resolution System Information Guide - <https://www.doe.mass.edu/prs/guide/default.html>

Next Steps

- ❖ PQA contacts school and asks for response – “Local Report”
 - Copy of their response is sent to you
 - You can respond with evidence, reports, etc.
 - At any point in the process you can send additional written materials and share more info. by phone with PRS specialist
- ❖ Department will issue a decision
 - Finding of noncompliance or compliance
 - Must be within 60 calendar days of receipt of signed complaint
- ❖ If noncompliance found:
 - Corrective action outlined and report must be prepared
 - Stay in touch with PRS specialist if problem not fixed

Resources



- ❖ Edlaw Project putting templates on guides on website. Goal is to have templates in the following areas:
 - School Discipline (including education service plan issues)
 - Bullying
 - Special Education Procedural Violations
 - COVID-19 complaints
 - Web-based

<https://www.youthadvocacyfoundation.org/filing-a-complaint-with-the-state-dept-of-education>

Tools Available:

- ❖ How to fill out a PRS Complaint Guide
- ❖ General instructions on use of templates.
- ❖ Templates

The image shows a screenshot of the EdLaw PROBLEM Resolution System intake form. The form is titled "Problem Resolution System" and "Problem Resolution System Office - Intake Information Form". It is part of a "Quick Guide: How to Fill Out an Online DESE PRS Complaint" with the URL www.doe.mass.edu/prs/intake/default.html. The form is divided into sections: "Contact Information", "Additional information about you", and "District and School".

The "Contact Information" section includes fields for Salutation, *First name, *Last name, *Phone, *Email, *Address, *City, *State, and *Zip. The "Additional information about you" section includes fields for Primary language, *Your role, and Accommodations required in communicating with us. The "District and School" section includes fields for *District and School.

Annotations on the right side of the form provide instructions:

- 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.**

Notice of a Suspension Hearing

1. The school must provide you with Notice of a Suspension Hearing:

The school principal has to tell you (or the parent/guardian, if the parent/guardian isn't filling out the complaint) when they are thinking about suspending the student. The communication with you about the potential suspension is called "notice." Below is the list of steps the school must take before holding a suspension hearing, check off everything the school did:

- The school has to give oral notice to the parent/guardian, meaning they have to speak with you over the phone or in person.
- The school also has to give written notice to the parent/guardian, meaning they have to send a letter or email.
- The letter or email has to be sent in English and in your primary language, if your primary language isn't English.

If any of the boxes are unchecked then the school didn't follow all of the requirements, and you should include the following language in the "Brief Statement of Concerns" section of your complaint: **"The School District did not properly communicate with the student and the student's parent/guardian regarding the student's discipline, and is therefore in violation of 603 CMR 53.06."** Then describe what requirement(s) the school didn't follow.

Additional Resource

- ❖ Guides are only tool, not legal advice and your situation may not fit perfectly into specific guide.
- ❖ BSEA may be better option for your situation.
- ❖ If you're not sure or have questions call!

The logo for EdLaw Project features the word "Ed" in blue, "aw" in white on a green background, and "PROJECT" in blue on the right side.

EdLaw PROJECT

617-910-5829

The logo for Greater Boston Legal Services includes a torch icon with red flames above the text "GREATER BOSTON LEGAL SERVICES" and the tagline "... and justice for all".

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