

## Brief 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 cannot access the curriculum or is struggling with remote learning, you can file a complaint with the **Problem Resolution System (PRS) through the Massachusetts Department of Education (DESE)**.

**Who can file a PRS complaint?** Anyone can file a complaint. If you are not the parent, you will need to get the parent's or education decision maker's permission before filing a complaint.

**What happens when I file?** PRS will tell the school district of your complaint and will ask the district for more information. The school district will write a report, and you will have a chance to respond. PRS will then make a decision and can order the school 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 or want to request a paper complaint form, you can also call PRS at 781-338-3700.

Attached is a graphic that explains the different sections of the complaint and what you should include. If you are filling out a complaint because your student is not able to access remote learning, make sure to specify whether your student falls into one of the categories of students that the Massachusetts Department of Education has identified as priority for in person learning. The priority students are:

- Student's with a disability who,
  - Have been identified as "high needs" on the IEP form PL-3.
  - Cannot engage in remote learning due to their disability.
  - Primarily use aided and augmentative communications.
  - Are currently homeless.
  - Are currently in foster care or a group home.
  - Are dually identified as an English Language Learner.
- English Language Learners.
- Students who do not have access to reliable internet or a quiet space to learn because they are currently experiencing homelessness or are in foster care or a group home.
- Students who do not have access to reliable internet or a quiet space to learn.
- Students who are significantly behind academically.
- Students who have not been able to engage in remote learning so far.
- Students who are too young (Pre-K – 5) to engage in remote learning.

**Where else can I get help?** A more detailed guide that will walk you through how to fill out the complaint can be found on our website here: <https://www.youthadvocacyfoundation.org/filing-a-complaint-with-the-state-dept-of-education>.

This guide is not legal advice and we cannot guarantee a particular outcome or that this process will get you the results 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 any questions, please 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

\* City

\* Phone

\* State

\* Email

\* Zip

\* Address

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

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.

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

Yes

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

16. SUBMIT!

Submit

 Add attachments