

# Problem Resolution System Office Procedures Guide

## *PRS Mission Statement*

*The Problem Resolution System (PRS) Office ensures that students, families, school districts, and other community members have easy access to information regarding learners' rights and educational options, and a forum for the resolution of disputes that is prompt, accurate, and fair.*

## Glossary of Terms

- The **Bureau of Special Education Appeals (BSEA)** conducts due process hearings and issues rulings and decisions concerning eligibility, evaluation, placement, individualized education programs (IEP), provision of special education and procedural protections for students with disabilities.
- **Complainant** is the person filing a complaint.
- **Complaint**, as used in this guide, is a signed statement from an identified person alleging that a public school, district or other recipient of state or federal funds is not meeting or has not met the legal requirements for education within the past year.
- **Consent** means written permission.
- **Department** stands for the Massachusetts Department of Elementary and Secondary Education.
- **Finding of compliance** is made when the Department determines that a school district is in compliance with the requirements of the law.
- **Finding of noncompliance** is made when the Department determines that a school district is not, or has not, followed the requirements of the law.
- **Intake coordinator** is a member of the Department's Problem Resolution System staff who takes calls and provides information on how to file a complaint.
- **Intake form** is a form that is completed to file a complaint with the Department about non-implementation of the legal requirements for education.
- **Local report** is a document prepared by a party against whom a complaint has been filed.
- **Special education mediation** is a voluntary process for resolving special education related disputes managed in the Bureau of Special Education Appeals, where a mediator who does not take sides works to help the parties resolve disputes or solve problems.
- **Parties** are the school districts, groups, or individuals who are involved in the complaint, dispute, or problem.
- **Parentally-placed private school student** is a student who attends a private school in Massachusetts at private expense. That means that a parent or guardian pays the student's tuition, not the public school; this does not include a student who is placed in a private approved special education school or program by the student's Individualized Education Program (IEP) Team.

- **PRS** means the Department's Problem Resolution System, which is the office responsible for handling complaints from the public about students' educational rights and the legal requirements for education.
- **PRS Specialists** are Department staff who respond to questions and complaints, conduct investigations into allegations of noncompliance, and provide information to the public and schools about education requirements.
- **Retaliation**, as used in this guide, means any form of intimidation, threat, coercion, or discrimination directed at an individual because he or she has exercised their legal rights.
- **School district** or **district**, as used in this guide, means a public school, school district, collaborative school, charter school, or Department-approved private special education school or placement.
- **Third party** is a person who is not the student over the age of 18 or the parent or legal guardian of the student.

### **What happens when I contact the Problem Resolution System?**

PRS specialists respond directly to questions and concerns. PRS staff members also consult with others in the Department and in other agencies, if necessary, to answer questions. When you contact PRS staff, you may ask questions about your situation, request clarification of legal and regulatory requirements, take steps to begin the process of filing a complaint with the Department, or all of those.

The Department encourages parents and school districts to continue to work together to resolve problems, before or after a complaint has been filed.

### **What is the Department of Elementary and Secondary Education's Problem Resolution System?**

The Problem Resolution System (PRS) is the Department's process for addressing complaints from the public about students' educational rights and the legal requirements for education. Some of the types of complaints that PRS handles include allegations that a student is not receiving educational services, or allegations that a student is not receiving the procedural protections that the law requires. PRS can assist you if a publicly funded education provider is not implementing the requirements of any federal or state education related law or regulation under our authority. PRS will investigate your complaint and make a finding in your case, in most cases, within 60 days of receipt. If your concerns are outside the authority of the Department to resolve, PRS staff will suggest next steps you can take or other resources you can access to resolve your issue.

Complaints can be filed against a school, school district, collaborative school, charter school, a Department-approved private special education school or in the case of special education, against the Department of Elementary and Secondary Education itself as the supervisory authority for special education in Massachusetts. Complaints may be filed on behalf of an individual student or a group of students.

### *Communicating with PRS*

There are several ways for you to contact PRS with a question or concern. Most commonly, individuals will send an email or call the office directly. Specialist staff are available between 8:45 a.m. and 5:00 p.m. every business day.

Additional information is available on the PRS website at: [doe.mass.edu/prs/](http://doe.mass.edu/prs/)

Problem Resolution System Office  
Massachusetts Department of Elementary and Secondary Education  
75 Pleasant Street, Malden, MA 02148-4906  
Main Telephone: 781-338-3700  
TTY: N.E.T. Relay: 1-800-439-2370  
Fax: 781-338-3710  
Email: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)

The Department has the ability to provide phone support translated into over 140 languages. When you contact the PRS office simply indicate that you wish to have a translated conversation, and which language you prefer. Phone interpreters can be accessed by PRS staff immediately, and you can continue your conversation in your preferred language.

When you send an email to the PRS compliance mailbox, it will be forwarded to a PRS Specialist who will contact you about your concern, answer your questions, and discuss your options with you.

When you telephone PRS, the first person you might speak with is the intake coordinator who is able to answer your questions about how the PRS process works. If you are certain you wish to file a complaint, the intake coordinator will help you to do that using our online complaint form, or by mailing or, if you prefer, emailing a form for you to fill out and return.

If you wish to speak to someone with questions or concerns about legal requirements, the intake coordinator will refer you to a PRS Specialist who will answer your questions, and provide clarification of any legal and regulatory requirements. The Specialist may ask you about what steps you have already taken to resolve the issue with your school district and may make suggestions regarding what additional steps you can take before filing a complaint. If your issue does not fall under the authority of the Department, the Specialist will make recommendations as to next steps you can take to address your concern.

PRS Specialists are assigned to work with specific school districts, and you may call the Specialist directly who works with your school district. You can find your school district's

assigned Specialist by using the contact listing available on the PRS webpage at [doe.mass.edu/prs/](http://doe.mass.edu/prs/)

## **How to file a complaint**

Federal law requires all complaints filed in regard to special education to be in writing and to be signed by the complainant, which can be done electronically on the PRS online complaint form. Federal special education law also requires you file your complaint within one year of the alleged non-compliance, and to send a copy of the signed, written complaint to the appropriate school district administrator at the same time you send it to the Department. The Department extends these policies to all complaints filed on any issue.

### *Filing a Complaint Online*

The Department accepts complaints through its online system, which can be accessed on the PRS webpage at: [doe.mass.edu/prs/](http://doe.mass.edu/prs/). Easy instructions will guide you through the process of filling out the complaint intake data form to ensure that you provide all needed information.

### *Other Ways to File a Complaint*

If you have difficulty accessing or filling out the form, prefer to have a paper copy of the form mailed to you, require assistance due to a disability, or have further questions regarding the process, contact the PRS office at 781-338-3700.

The PRS online complaint form is presently available in 10 languages, and can be translated into additional languages as needed.

## **Who can file a complaint?**

A parent, advocate, attorney or other interested party can file a complaint with the Department.

### *Third party access to information*

Sometimes a complainant is not a student over the age of 18 or a student's parent or legal guardian,<sup>2</sup> but is instead an educator, community member, advocate, attorney or someone else. These persons are called a “**third party**.” In the case of a complaint filed by a third party, the Department will accept and act on the complaint, but cannot share any personally identifiable student information, including the case’s status or resolution with the third party unless the student's parent(s) or the adult student provide their written permission.

The online complaint form used by PRS includes a section where you can give your consent to third party access of the information involved in your complaint, if you wish to do so.

## How will the Department respond to my complaint?

### The Department reviews the complaint

Following submission of your online complaint form it will be assigned to a PRS Specialist who will contact you within 3-5 business days to discuss the problem in more detail, clarify the Department's authority in regard to the issues raised, and explain next steps in the process.

The Department can take action to resolve a complaint if it is about state or federal legal requirements for education under our authority, involves a school or district that receives federal funds, and is in an area under the jurisdiction of the Department.<sup>3</sup>

Sometimes complaints are about issues the Department does not have authority to address. In that case, the PRS Specialist will attempt to identify other steps you may take to address your concerns, or other resources that may be available.

### The Department may ask the school district to prepare a local report

The Department will decide what information needs to be collected before a finding can be reached.

For many complaints, the PRS Specialist will write a letter to the superintendent, requesting that the district conduct an internal investigation into your allegations, and to prepare a written report for the Department, which is called the **local report**. The local report will contain information from the school district about the problems described in the complaint, and include the school district's response. The district is required to send a copy of the report and any related documents to the PRS Specialist, and a copy to the complainant. The Department may also request that the district submit any needed records or documentation, or may conduct an onsite investigation if deemed necessary.

When you receive your copy of the district's local report, you may submit a written response. If you choose to submit a response, it must be copied to the district, and received by PRS within 10 days of your receipt of the local report.

### The Department makes a finding

In most cases, the Department makes a decision — either determining that the school district has complied with the law (a "*finding of compliance*") or not complied with the law (a "*finding of non-compliance*") - within 60 calendar days from the date the Department received the complaint. Sometimes there are exceptional circumstances that will delay the Department's decision. When there is a delay, the PRS Specialist will send the complainant and the district a letter informing them of the delay, and explaining the reasons for it.

### Complaints regarding children enrolled in private schools at private expense

In some circumstances, a private school official can file a complaint with PRS about whether a school district is meeting certain special education requirements in federal special education law about equitable services for parentally-placed private school students. The private school official can file a complaint with PRS alleging that the public school district did not comply with child find requirements to identify parentally-placed private school students who are eligible for equitable services, did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school in planning for services.

34 CFR § 300.136(a).

Other possible outcomes of a complaint filed with PRS is a determination that the issues raised do not fall within the Department's authority, or that a finding cannot be reached due to insufficient or conflicting evidence presented by the parties.

When PRS issues a *finding of compliance* it means that the district has complied with legal requirements for education. All parties receive a copy of the finding letter stating the Specialist's reasons for the finding, and the matter is closed.

A *finding of noncompliance* means that PRS has determined that the district has not met, or is not meeting, the requirements for education. The PRS Specialist sends the school district and the complainant a letter stating the reasons for the Department's decision, and informing the school district what it must do to correct the noncompliance. The district responds with a Corrective Action Plan which is reviewed and approved by the Department, and contains specific dates by which required corrective actions must be implemented.

### **What if the school district does not act to correct the noncompliance?**

PRS routinely follows-up with districts to ensure that non-compliance is fully remedied by requiring documentation that the Corrective Action Plan has been implemented. However, if you have information that the district did not undertake the steps required, you should immediately contact the PRS Specialist who worked on the complaint and issued the finding. The Department will act to ensure that all required steps have been taken.

### **What if I want to remain anonymous and do not want to give my name to the Department?**

PRS cannot take action on complaints that are reported anonymously. Federal special education law and Department procedures require that the complainant sign the written complaint, and include their contact information. <sup>4</sup>

### **If I don't agree with the decision, can I appeal a finding that the Department made through the Problem Resolution System? Can a school district appeal the Department's decision?**

No. PRS findings are final, and may not be appealed. While the Department does not consider appeals of its decisions, should the summary of information contained in the closing letter be inaccurate in a way that would affect the outcome or the findings, you should inform the PRS Specialist of that as soon as possible. That information will be reviewed, and PRS will determine what additional steps may be necessary, if any.

### **Mediation and due process hearings**

The Department encourages parents and school districts to continue to work together to resolve problems, before or after a complaint has been filed.

## **Special education mediation through the Bureau of Special Education Appeals (BSEA)**

Per the requirements of federal law, the Bureau of Special Education Appeals is an agency that is separate from the Department. At any time, even if a special education complaint has already been filed with the Department, a parent and the district may decide to participate voluntarily in a mediation process through the BSEA. If you wish to learn more about this process, please see the contact information provided below.

If the dispute is resolved, the complaint may be withdrawn. However the Department will continue to work with the district to address any systemic non-compliance issues it has already found through the investigative process.

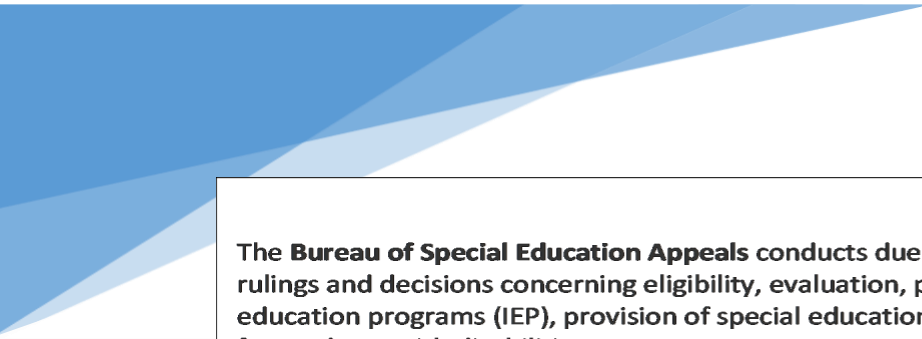
### **May the Problem Resolution System respond to a complaint at the same time that the problem is the subject of a proceeding at the Bureau of Special Education Appeals?**

**It depends.**

If your issue is subject of a **mediation** being conducted by the BSEA, PRS will ask both parties to consent to an extension of the timelines for resolution of the case to allow the mediation process to proceed. If both parties agree, the complaint will be set aside until the conclusion of the mediation at which time any remaining compliance issues will be addressed. If both parties do **not** agree to the extension, PRS will proceed to make findings on issues within our jurisdiction within 60 days of the filing date of the complaint with our office. Be aware, however, that PRS determinations are final, and will not be changed as a result of the mediation process.

If your issue is the subject of a **due process hearing**, then pursuant to federal regulations, PRS is required to set aside the issues contained in your complaint that are also subject of due process proceedings until a finding has been reached in your case. Once your case is concluded with the BSEA, PRS will resume consideration of any noncompliance issues that were not addressed through the hearing. All findings made by the BSEA hearing officer, however, are final and cannot be reviewed.

In order for PRS to resume work on your case when your involvement with the BSEA is complete, information regarding your case will be shared between the two agencies. That information will include your case number in each agency, your name, your child's name, your address, and your school and district.



The **Bureau of Special Education Appeals** conducts due process hearings and renders rulings and decisions concerning eligibility, evaluation, placement, individualized education programs (IEP), provision of special education and procedural protections for students with disabilities:

For additional information on special education mediation and due process hearings contact:

**Bureau of Special Education Appeals**  
14 Summer St., 4th Floor  
Malden, MA 02148

<https://www.mass.gov/orgs/bureau-of-special-education-appeals>  
Phone: 781-397-4750

### Retaliation for filing a complaint

#### **What should a parent do if they believe that the school district is retaliating because of a complaint filed with PRS or a hearing requested with the BSEA?**

Retaliation can take the form of intimidation, threat, coercion, or discrimination. Depending on the nature of your complaint, federal and/or state law may prohibit school personnel from retaliating against you or your child for exercising your legal rights.<sup>5</sup> If at any time you believe that you or your child are experiencing retaliation because you filed a complaint against the school, you should contact the PRS Specialist who assisted you.

The Department may also refer you to the Office for Civil Rights (OCR) within the U.S. Department of Education. OCR has the authority to enforce the legal right to be free from retaliation under federal civil rights laws prohibiting discrimination on the basis of disability, sex, race, color, and national origin. You may contact OCR directly at:


Office for Civil Rights-Boston Office  
US Department of Education  
5 Post Office Square, 8th Floor  
Boston, MA 02109-3921

Telephone: 617-289-0111  
FAX: 617-289-0150; TDD: 877-521-2172  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)



<sup>1</sup> [34 CFR § 152\(b\)\(1\)\(ii\)](#) 

<sup>2</sup> These requirements are described fully in the [State Student Records Regulations, 603 CMR 23.00](#), and the [federal Family Educational Rights and Privacy Act \(FERPA\) regulations, 34 CFR Part 99](#).

<sup>3</sup> [34 CFR § 300.149](#)  (SEA responsibility for general supervision.) The PRS is designed to conform to federal special education requirements for a state complaint process, however, the Department also receives and resolves complaints alleging non-compliance with other legal requirements under our jurisdiction through the same process pursuant to 603 CMR 28.08(2).

<sup>4</sup> [34 CFR § 300.153\(b\)\(4\)](#) 

<sup>5</sup> [Section 504 of the Rehabilitation Act of 1973, 34 CFR Part 104](#), and the [Americans with Disabilities Act \(ADA\), 28 CFR Part 35, 603 CMR 46.04](#)