Department of Elementary and Secondary Education

**Problem Resolution System Office**

**Special Education Complaint Procedures Guide**

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

1. **Glossary of Terms**

The following is a glossary of some key terms used in this document.

1. The **Bureau of Special Education Appeals** **(BSEA)** is an entity separate from PRS which conducts due process hearings and issues rulings and decisions concerning eligibility, evaluation, placement, individualized education programs (IEPs), provision of special education, and procedural protections for students with disabilities. More information about the BSEA is available at: https://www.mass.gov/orgs/bureau-of-special-education-appeals.
2. **Complainant** is the person or organization filing a complaint with PRS.
3. **Consent** means informed, written permission.
4. **Corrective Action Plan** **(“CAP”)** refers to the portion of PRS’s final decision finding noncompliance that directs the district, school, or other entity as to what actions are necessary to achieve compliance with the applicable legal requirements.
5. **Day** means calendar day unless otherwise indicated consistent with 34 C.F.R. § 300.11.
6. **Department** refers to the Massachusetts Department of Elementary and Secondary Education.
7. **Finding of compliance** is made when PRS determines that a school district, school, or other entity complied with the applicable legal requirements.
8. **Finding of noncompliance** is made when PRS determines that a school district, school, or other entity did not or is not following the applicable legal requirements.
9. **General Education Complaints** refer to complaints that do not meet the definition of special education complaints but are otherwise related to the provision of publicly funded education by a public school, school district, or other recipient of state or federal funds.
10. **Individuals with Disabilities Education Act (IDEA)** is the federal law that affords protections to eligible students with disabilities, including but not limited to the right to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The IDEA requires that the Department have a state complaint system to resolve disputes regarding compliance with the protections outlined in the IDEA Part B. The federal regulations implementing IDEA Part B require the Department to investigate special education complaints filed by any person or organization, including those from other states, that contain all required information pursuant to [34 C.F.R. §§300.151](https://sites.ed.gov/idea/regs/b/b/300.151) through [300.153](https://sites.ed.gov/idea/regs/b/b/300.153)*.*
11. **Local report** is a document prepared by the party against whom a complaint has been filed, formally addressing the allegations outlined in a complaint and that is directed to the Department.
12. **Parties** include the individuals or organizations that file complaints with PRS and the school districts, schools, organizations, or other entities against whom the complaints are brought.
13. **Parentally-placed private school student**, as used in this guide, is a student who attends a private school in Massachusetts at private expense, or who is home-schooled. This means that a parent, guardian, or another individual or organization pays the student’s tuition (if any), not the school district or a public agency. 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.
14. **PRS** refers to the Department's Problem Resolution System, which is the Department’s office responsible for handling complaints from the public, as outlined in this guide.
15. **PRS Specialists** are Department staff who respond to questions and complaints, conduct investigations into allegations of noncompliance, and provide information to the public and school districts about education requirements.
16. **Public agency**, as used in this guide, includes the local educational agencies (LEAs), the Department as the State Educational Agency (SEA), and any other entities covered by 34 C.F.R. § 300.33.
17. **Rebuttal**, as used in this guide, refers to the Complainant’s response to the Local Report. The Complainant may, but is not required to, file a rebuttal with PRS.
18. **Request for Local Report** is a letter issued by PRS during the complaint process that is addressed to the party against whom the complaint has been filed. The Request for Local Report provides this party with an opportunity to respond to the complaint, provide a proposal to resolve the complaint (at its sole discretion), and provide an opportunity to the parties to voluntarily engage in mediation. The Request for Local Report may also request specific information and/or documentation from the party against whom the complaint has been filed that may help the Department in its investigation of the concerns raised in the complaint.
19. **Retaliation**, as used in this guide, means any form of intimidation, threat, coercion, or discrimination directed at an individual because they exercised their legal rights by filing a complaint with PRS.
20. **School district** or **district**, as used in this guide, includes a public school, school district, education collaborative, charter school, or Department-approved special education school or placement.
21. **Special education** shall mean specially designed instruction to meet the unique needs of the eligible student or related services necessary to access the general curriculum and shall include the programs and services set forth in state and federal special education law and regulations.
22. **Special education complaint** is a written, signed complaint, that otherwise complies with the requirements outlined in section IV(1) (e)-(f) of this guide, that relates to an allegation that a public school, school district, approved private special education school, educational collaborative, the Department or other recipient of state or federal funds violated Part B of the IDEA, state special education laws or regulations, or special education policies or procedures, with respect to an individual student or a group of students.
23. **Special education mediation** is a voluntary process for resolving special education related disputes managed by the BSEA, where a trained, impartial mediator works to help the parties resolve disputes or solve problems. You may find more information about Mediation at the BSEA [here.](https://www.mass.gov/mediation-at-the-bsea)
24. **Special education student** shall mean a person aged three through 21 who has not attained a regular high school diploma or its equivalent, who was evaluated in accordance with federal and state special education requirements and who, by reason thereof, needs special education or related services. An eligible student shall have the right to receive special education and any related services that are necessary for the student to benefit from special education or that are necessary for the student to access the general curriculum. In determining eligibility, the school district must thoroughly evaluate and provide a narrative description of the student's educational and developmental potential. For the purposes of this guide, special education student may include a student if, before the circumstances outlined in the complaint, the following occurred:
	1. the parent or guardian of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child needs special education or related services; or
	2. the parent or guardian of the child requested a special education evaluation of the student.
25. **Third party** is a person who is not the adult student or the parent/legal guardian of the student.
26. **About the Problem Resolution System (PRS)**

The Department is committed to helping individuals and school districts resolve problems and encourages school districts and schools to take quick action to respond to questions and concerns about students' educational programs.

The Parties are encouraged to continue to work together to resolve their disputes before, during, and after a complaint has been filed. If the school district and the Complainant can resolve all or a portion of the concerns raised in the complaint, the Complainant may withdraw the resolved concerns. PRS will close any resolved items unless a finding of non-compliance was already reached or other circumstances arise that require further follow-up by the Department.

Through PRS, the Department handles complaints as required by applicable federal and state laws and regulations. PRS has authority to investigate whether a publicly funded education provider is implementing the requirements of any federal or state education law or regulation under the Department’s authority. If the concerns raised are outside of the Department’s authority to resolve, PRS may suggest next steps that can be taken or other resources that may be available to resolve the issue.

1. *Communicating with PRS*

There are several ways to contact PRS with questions or concerns. Most commonly, individuals send an email or call the office directly. PRS Specialists are available between 8:45 a.m. and 5:00 p.m. every business day at the following contact information:

Problem Resolution System Office
Massachusetts Department of Elementary and Secondary Education
135 Santilli Highway - Everett, MA 02149

Main Telephone: 781-338-3700
TTY: N.E.T. Relay: 1-800-439-2370
Fax: 781-338-3710
Email: compliance@doe.mass.edu

The Department has access to interpreters that upon request can provide interpretation services during phone calls in over 140 languages. Phone interpreters may be immediately accessed by PRS staff as needed to translate the conversation.

When an email is sent to the PRS compliance mailbox, it will be forwarded to a PRS Specialist for a response as appropriate.

PRS strives to make itself accessible to all interested parties, including families, educators, and community members. To do so, information about PRS is displayed on the [Department’s website](https://www.doe.mass.edu/prs/intake/default.html) and included in the [Parent’s Notice of Procedural Safeguards](https://www.doe.mass.edu/sped/prb/).

1. *The Role of PRS Specialists*

PRS Specialists are the Department staff who provide technical assistance to the public and investigate complaints filed with PRS. Once a complaint is filed, PRS Specialists are generally the involved parties’ point of contact throughout the pendency of their PRS complaint. To provide prompt and accurate support to the community, PRS Specialists may also consult with other professionals in the Department and/or other agencies and resources to answer questions or request clarification of the applicable requirements.

1. **Technical Assistance**

PRS is available to provide guidance and answer general questions from parents/guardians, school personnel, and other members of the public related to state and federal education laws, regulations, and policies. To request technical assistance from PRS, please use the contact information outlined in Section II of this guide.

1. **Complaint Processes**

PRS addresses complaints from the public about students' educational rights and the legal requirements for education, including both special education and general education concerns. When both special education and general education concerns are included in a single complaint, the special education complaint procedures govern the investigation and timelines for resolution, unless the issues are separated by PRS.

**This guide addresses complaints related to Special Education Complaints, as defined in the Glossary of Terms. If you are interested in filing a *general education complaint*, please contact PRS for further information.**

Upon receipt of a complaint, PRS will determine which complaint process applies based on the unique facts and circumstances of the complaint. PRS’ procedures for investigating special education complaints are as follows:

1. **Special Education Complaint Process**

For more information, please see [34 C.F.R. §§300.151 through 300.153](https://www.ecfr.gov/current/title-34/part-300/subject-group-ECFR7045db53cb77b17).

1. **Filing a Complaint**

Any individual or organization, including one from another State, may file a complaint with PRS. Complaints may be filed against a public school, school district, educational collaborative, charter school, approved private special education school, or against the Department as the SEA under IDEA Part B. Complaints may allege violations of education laws, regulations, policies, or procedures, with respect to an individual student or a group of students.

PRS accepts complaints through its online system, which can be accessed on the PRS webpage at: [doe.mass.edu/prs/](http://www.doe.mass.edu/prs/). Instructions for completing the intake form are provided on the website. The PRS intake form is readily available on the PRS website in multiple languages and can be translated into additional languages as needed. While PRS recommends the use of its online intake form to ensure all necessary components of your complaint intake are submitted, Complainants are not required to do so.

PRS will ordinarily not issue standard reports for a complaint filed anonymously through the PRS complaint process. However, PRS may use the information contained in an anonymous complaint as deemed appropriate to exercise the Department’s general supervisory authority (Please see Section (w) of this Guide for more information).

**(b) Other Ways to File a Complaint**

In addition to the online intake form discussed above, PRS accepts complaints submitted via fax, email, U.S. mail, and in-person.

Anyone who prefers or needs to receive a paper copy of the intake form, has difficulty accessing the online form, has additional questions, or requires assistance with submitting a complaint due to a disability, may contact the PRS office for assistance. PRS staff can provide reasonable accommodations to Complainants who may be unable to submit a complaint in writing. Such reasonable accommodations may include transcription of oral intakes from Complainants via telephone. To seek support in submitting a PRS complaint, please contact the PRS office at:

Problem Resolution System Office
Massachusetts Department of Elementary and Secondary Education
135 Santilli Highway – Everett, MA 02149
Main Telephone: 781-338-3700
TTY: N.E.T. Relay: 1-800-439-2370
Fax: 781-338-3710
Email: compliance@doe.mass.edu

**(c) Copy of the Complaint to the Other Party**

Complainants must send a copy of the signed, written complaint to the school district or other public agency against which the complaint is being filed at the same time the complaint is filed with PRS.

**(d) Confidentiality and Third-Party Access to Information**

Information related to PRS complaints is stored in an electronic database and Department staff who have access to the electronic database are subject to the Commonwealth of Massachusetts Information Security Policies and Standards.

Following the receipt of a complaint, PRS may contact both the Complainant and the party against whom the complaint is filed to help PRS understand the role of the parties involved and their respective authority to receive personally identifiable student information.

PRS will not share personally identifiable student information with a third-party unless PRS has written consent authorizing it to share such information or other documentation entitling the third-party access to otherwise protected information (*e.g.*, a court order).

If a third-party individual or organization files a complaint on behalf of a named student and does not provide PRS with written consent authorizing it to share protected student information with the third-party individual or organization, PRS will request a release of information from the student’s parent/guardian or the student if appropriate.

If a third-party individual or organization files a complaint on behalf of a specific student or a group of students and PRS does not receive written consent or other documentation authorizing it to share the personally identifiable student information with the third-party individual or organization, any personally identifiable information about the student will be redacted from PRS correspondence and decision(s) provided to the third-party Complainant.In some cases, redaction may not be sufficient to protect personally identifiable student information from disclosure. In those cases, PRS may determine it will not provide a copy of its decision or correspondence to the third-party Complainant. These rare cases will be addressed on a case-by-case basis at the discretion of PRS. Even if PRS is unable to issue a written decision to the third-party Complainant, PRS will still resolve the complaint, issue a written decision that addresses each allegation, and provide for implementation of its written decision and any corrective action(s).

**(e) Required Content**

A Complainant is **not** required to provide a sworn or notarized statement, or an affidavit. However, special education complaints must be in writing and signed by the Complainant, either electronically using the PRS online intake form or through submission of a written, signed document. Although use of the PRS form is not required, a complaint must include the following information to be considered sufficient:

1. An allegation that the district or other public agency has not complied with federal or state special education laws or regulations and that the alleged noncompliance occurred within one year of the receipt of the written complaint.
2. Facts upon which the allegation is based.
3. The signature and contact information for the Complainant; and
4. If the complaint relates to an individual child:
	1. The name and address of the residence of the child.
	2. The name of the school the child is attending.
	3. In the case of a homeless child or youth, within the meaning of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending;
	4. A description of the nature of the problem of the child, including facts relating to the problem; and
	5. A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

In addition to the above **required** information, PRS also requests certain **optional** information as a part of its intake process. This information includes, but is not limited to, the Complainant’s role (*e.g.,* parent, guardian, advocate, etc.) in relation to the student, the Complainant’s preferred pronouns, the impacted student’s current educational program (*e.g.,* general education, home-hospital, etc.), the name of the school the student was attending at the time of the concern if different than the student’s current school, and whether the Complainant would like to submit documentation to support their allegation(s). While this information is helpful to the complaint process, a Complainant is not required to submit this optional information.

**(f) Time Limit for Filing a Special Education Complaint**

The complaint submitted to PRS must contain an allegation that the district or other public agency has not complied with either federal or state special education laws or regulations and that the alleged noncompliance occurred within one year of the receipt of the written complaint. Please see 34 CFR § 300.153 for details. Please note that information beyond the one-year period may be obtained and considered by the PRS Specialist to provide context to the Department’s review.

**(g) Date of Receipt**

PRS will determine the filing date of the complaint for all relevant timelines as follows:

1. During normal business hours: If a complaint is received during normal business hours (8:45 a.m. to 5:00 p.m. on regular business days), the complaint shall be considered received the same date for all relevant timelines.
2. After normal business hours: If a complaint is received beyond normal business hours (after 5:00 p.m., weekends, or holidays), the complaint shall be deemed received the next business day.

**(h) Attempts at Resolution While a Complaint is Pending**

The Parties are encouraged to continue to work together to resolve their disputes before, during, and after a complaint has been filed with PRS. In some cases, the Parties may find it helpful to access the Bureau of Special Education Appeals for other dispute resolution options, including mediation, facilitated IEP team meetings, and due process hearings. For more information, please see: <https://www.mass.gov/orgs/bureau-of-special-education-appeals>.

**(i) Authority/Jurisdiction of PRS**

PRS has the authority to investigate allegations that occurred within one calendar year from the date of the complaint intake. Such allegations may include that a public agency has violated a requirement of IDEA Part B, its implementing regulations, or state special education laws or regulations. Examples of allegations that PRS addresses, include, but are not limited to:

* A complaint challenging a public agency's eligibility determination;
* Procedural issues and issues related to implementation of requirements;
* A complaint alleging a district or public agency denied a FAPE, including if a Complainant is seeking tuition reimbursement or placement in a private school at public expense on behalf of an individual student; and
* A complaint alleging that a public agency has not provided a FAPE to an individual child or group of children in accordance with Part B of the IDEA.

PRS has the authority to investigate allegations that pertain to an individual student or a group of students. Additionally, PRS is responsible for determining whether it has jurisdiction over some or all the allegations in a complaint. An allegation over which PRS does not have jurisdiction will be closed. If PRS does not have jurisdiction over any of the issue(s) in a complaint, PRS will issue a letter to the Complainant explaining the reason(s) for the closure of the complaint. If PRS has jurisdiction over some, but not all the issue(s) raised in a complaint, PRS will issue a letter that identifies the issues closed, explain the reason(s) for the closure(s), and identifies the issue(s) it will proceed to investigate because they fall within its authority.

**(j) Processing the Complaint**

PRS will review the complaint for all required content and determine if there is an allegation of noncompliance or if additional information may be needed. If a complaint meets the criteria outlined in section IV(1)(e)-(f) of this guide and falls within PRS authority as outlined in section IV(1)(i) of this guide, PRS will commence an investigation.

If the Complainant does not include all required information, the PRS Specialist will attempt to contact the Complainant to discuss their concerns, gather additional information, and request the submission of any missing information. If the required information is not provided to PRS within ten (10) business days, the complaint will be closed. If the complaint is closed because it did not include all required information, the Complainant may file a new complaint with the required information. The new complaint will be subject to new timelines based on the date of its submission.

**(k) Timelines for Investigation**

PRS will issue a written decision on behalf of the Department within 60 calendar days of receiving the special education complaint. However, PRS may extend the special education complaint investigation timeline in the following circumstances:

1. The parties choose to engage in state sponsored mediation, and agree in writing to extend the complaint investigation timeline to permit time for mediation, or
2. Exceptional circumstances exist with respect to a particular complaint necessitating an extension as determined by PRS on a case-by-case basis.
	1. These may include factors such as natural disasters, unforeseen circumstances, or events unique to the current complaint that significantly impair the ability of the PRS to investigate a complaint or the Parties to meaningfully participate in the process.
	2. If PRS determines that an extension of the 60-day timeline is appropriate because exceptional circumstances exist with respect to a particular complaint, the PRS Investigator will issue a letter to the parties informing them of the extension and the reasons for it.

Except for the 60-day timeline discussed above, any due dates related to the complaint, including the due date for any Local Report, Rebuttal, or Corrective Action are at the discretion of PRS. Any corrective actions must be completed as soon as possible, and in no case later than one year after the identification of the noncompliance.

**(l) Conducting the Investigation and the Request for Local Report**

If a complaint meets the requirements in section IV(1)(e)-(f) and (i) of this guide, PRS will gather evidence necessary for its investigation, including as follows:

* PRS will provide the Complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint in accordance with 34 C.F.R. § 300.152(a)(2). In doing so, PRS may contact the Complainant and/or party against whom the complaint has been filed to discuss their concerns and gather additional information.
* PRS will provide the public agency with the opportunity to respond to the complaint, including, at a minimum—

(i) At the discretion of the public agency, a proposal to resolve the

complaint; and

(ii) An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with 34 C.F.R. § 300.506.

* PRS may conduct an onsite investigation, if PRS determines it appropriate in the circumstances of the specific case.
* PRS may conduct interview(s), if PRS determines it appropriate in the circumstances of the specific case.
* PRS may issue a Request for Local Report which is a letter issued by the Department to the party against whom the complaint has been filed that provides this party with an opportunity to respond to the complaint, provide a proposal to resolve the complaint (if it chooses to do so), and provide an opportunity for the parents/districts to voluntarily engage in mediation pursuant to 34 C.F.R § 300.152(a)(3). The Request for Local Report may also request specific information and/or documentation that may help the Department in its investigation of the concerns raised in the complaint.
* If PRS issues a Request for Local Report, the request will contain a due date by which the recipient must respond. However, at PRS’ sole discretion, PRS may agree to an alternative submission date.
* The response to the Department’s Request for Local Report is called the Local Report. The Complainant must receive a copy of the Local Report and related documentation. However, the Local Report provided to the Complainant may need to be redacted to protect third-party personally identifiable information. If a school district or other public agency acknowledges noncompliance with the applicable requirements, it may proceed to submit a proposed Corrective Action Plan for consideration by PRS. However, PRS will make an independent determination on the issue(s) of acknowledged noncompliance and the proposed Corrective Action Plan.

**(m) Rebuttal**

Within seven calendar days of the Complainant’s receipt of the Local Report, the Complainant may, but is not required to, submit a rebuttal to the Local Report. A rebuttal may be submitted in many forms, including an email, letter, or submission of additional documentation. If the district or other public agency does not submit a local report, PRS will inform the Complainant of the deadline for submission of any additional information. A copy of the rebuttal must be sent to the party against whom the complaint was filed.

**(n) Possible Subsequent Requests for Information**

PRS reviews all relevant information relating to the complaint. During its investigation, PRS may determine that it is necessary to request additional information or documentation from either or both of the Parties. PRS determines what information is necessary to complete a full and independent investigation into the allegations in the complaint and determines whether any violations of federal or state special education laws or regulations occurred. If, during a PRS investigation into a complaint related to an individual student, PRS identifies systemic concerns (*i.e.,* concerns that impact classrooms, schools, and/or the entirety of a local education entity), PRS will expand the scope of its investigation to include identified systemic concerns as it deems appropriate.

**(o) The Determination**

Upon completion of the investigation, PRS issues a written decision on behalf of the Department to the Parties that addresses each allegation reviewed in its investigation and contains findings of fact, conclusions, and the reasons for the final decision. The written decision addresses each allegation in the complaint and contains—

* Findings of fact and conclusions; and
* The reasons for the SEA’s final decision.

PRS issues a finding of **compliance** when it determines the district or other public agency complied with legal requirements for special education, as outlined in the determination letter. All parties ordinarily receive a copy of the written decision which also informs the Parties that the complaint is closed.

PRS issues a finding of **noncompliance** when it determines the district or other public agency has not met, or is not meeting, the applicable special education requirements. In cases where noncompliance is found, PRS sends the district or other public agency and the Complainant a letter stating the reasons for the decision. If PRS finds noncompliance, the decision may include corrective actions to be completed by the district or other public agency. Alternatively, if the district or other public agency has acknowledged non-compliance *and* proposed an acceptable corrective action plan, PRS may adopt the proposed corrective action(s) and issue a letter of closure, if appropriate based upon PRS’ independent determination of noncompliance and appropriate corrective action(s).

**(p) Corrective Action**

When the Department issues a finding of noncompliance, PRS may require the district or other public agency to implement certain identified action(s) or other appropriate steps to address its failure to comply with the relevant law or regulation as outlined in the PRS determination. These requirements are called Corrective Actions or Corrective Action Plans. PRS has broad authority to determine the corrective action(s) necessary to resolve the non-compliance identified in a specific complaint. Corrective action is developed by the Department to address a noncompliant procedure, policy, or process, provide student level remedies, or both, and must address:

(1) the failure to provide appropriate services, including corrective action(s) appropriate to address the needs of the child (such as compensatory services or monetary reimbursement); and

(2) appropriate future provision of services for all children with disabilities.

Corrective actions may include, but are not limited to, staff training, additional reporting requirements, policy changes, and compensatory services. In the case of a complaint related to an individual student where PRS has found non-compliance, the corrective action may include a tailored review (*e.g.*, record review, *etc.*) of similarly situated matter(s) to determine the need for further systemic intervention from the Department, if any. In some cases, PRS may require the district or public agency to conduct supplemental reporting and/or monitoring to ensure full implementation of required action(s) and ongoing compliance.

PRS determines the appropriate and necessary corrective actions on a case-by-case basis. To reach a corrective action determination, PRS considers the nature of the non-compliance, the scope of the non-compliance, impact on the involved student(s), and steps necessary to appropriate future provision of services for all children with disabilities. To determine student level remedies, PRS considers facts such as whether the student was denied FAPE, the scope of missed or omitted services, and whether the student failed to make expected progress during the period of identified non-compliance.

Noncompliance identified by PRS must be corrected by the district or other public agency as soon as possible, and in no case later than one year after PRS' identification of the noncompliance. 34 C.F.R. §300.600(e).

Districts or other public agencies are instructed to submit all required corrective action by the due dates specified to PRSCAP@doe.mass.edu. PRS will assign a PRS Specialist to review whether the district or other public agency complied with the corrective action required in the Department’s Letter of Finding. As a part of this corrective action review, the PRS Specialist may provide technical assistance, facilitate negotiations, issue order(s), issue additional corrective action(s), and/or take other actions necessary to achieve compliance.

**(q) Parties’ Access to Information During the Investigation**

It is PRS’ duty to investigate the complaint, gather relevant evidence, and determine whether a public agency violated the IDEA or other relevant requirements. **IDEA regulations do not require PRS to provide a copy of one party’s submission to the other party.** However, PRS *generally* requires that both parties receive the following types of submissions if they are submitted to PRS:

* PRS Complaint intake, including any additional documentation submitted to the Department;
* District or public agency’s Local Report submission;
* Additional documentation that, in PRS’ judgement, has a substantial impact upon the Department’s determination and that is not accessible to the other party;
* Complainant’s rebuttal; and
* Final Corrective Action Reports and related submissions, unless otherwise noted by PRS.

If you have questions regarding the exchange of information during the pendency of your complaint, you may speak with the PRS Specialist assigned to your case.

**(r) Finality of the Decision**

PRS decisions are final and may not be appealed. However, either or both of the parties may seek mediation or a due process hearing through the Bureau of Special Education Appeals (BSEA) on the same issues addressed by PRS. A due process hearing would be a new proceeding and not for the purpose of reviewing the Department’s decision. This information is also included in determination letters issued to the Parties by PRS.

PRS may reconsider its determination if PRS and the other party are notified in writing within **ten (10) calendar days of receipt of the Department’s determination** that the summary of information contained in a determination is inaccurate in some way that is likely to impact the outcome of the determination. Such requests for reconsideration must be submitted to PRS at the contact information listed in Section II of this guide. PRS will review the request for reconsideration to determine what, if any, action is necessary and appropriate in the circumstances. This limited reconsideration process may not be completed until later than 60 days after the original filing of the complaint. PRS enforcement of any corrective action required in the PRS decision will not be delayed due to the request for reconsideration.

**(s) Mediation and Special Education Complaints**

The Department encourages the Parties to continue to work together to resolve disputes. Federal special education law requires that voluntary mediation be made available to assist in resolving disputes.

At any time, even if a special education complaint has already been filed, the Parties may decide to voluntarily participate in a mediation process made available through the BSEA. *If the parties elect to engage in BSEA mediation on matters that are also the subject of a simultaneously pending PRS complaint, the parties are encouraged notify both the BSEA and PRS of the BSEA mediation and PRS complaint.*

If an issue is the subject of a mediation being conducted by the BSEA, PRS will ask the parties to voluntarily consent to an extension of the timeline for resolving the PRS case until the mediation concludes.

* **If both parties agree to extend the PRS timeline related to resolution of a PRS complaint for the purposes of mediation**, the complaint will be set aside. During this time that a PRS complaint is set aside by agreement of the parties, a PRS Specialist will be assigned to the case for continued monitoring and to resume investigation if the parties are unable to resolve the issues raised in the PRS complaint during their mediation. The PRS Specialist may request information from the parties related to the mediation, such as the scheduled date(s) for mediation. Following the scheduled mediation date(s), the PRS Specialist will contact the parties to determine if the issue(s) raised in the PRS complaint were resolved, at which time any remaining complaint issues will be addressed, consistent with the requirements of this guide.
* If all parties do **not** agree to extend the PRS timeline related to resolution of a PRS complaint for the purposes of mediation, PRS will proceed with the investigation to issue a final decision on the issues raised in the complaint pursuant to 34 C.F.R. [§](https://www.law.cornell.edu/cfr/text/34/300.507) 300.152(a) and (b)(1)(i).

If the district or other public agency and Complainant resolve all or a portion of the concerns raised in the complaint, the Complainant may withdraw the complaint or certain concerns within the complaint. PRS may close a complaint upon the Complainant’s request, unless a finding of non-compliance has already been reached or other circumstances arise that require further action by PRS. However, PRS may act as it deems appropriate to address any systemic noncompliance or issues that were not resolved through the mediation.

**(t) Due Process Hearings and Special Education Complaints**

Pursuant to 34 C.F.R. [§](https://www.law.cornell.edu/cfr/text/34/300.507) 300.152(c)(1), PRS must suspend its investigation into any issues raised within a PRS complaint that are also the subject of a simultaneous BSEA due process hearing until the due process hearing decision is reached or otherwise resolved.

* If the PRS complaint includes allegations about special education **violations that are not at issue in the due** process hearing, those allegations not at issue in the due process hearing must be resolved within the 60-day timeline.
* If all allegations raised in a PRS complaint are also the subject of a BSEA due process hearing request, PRS must set aside the PRS complaint until the BSEA issues a final decision or the hearing has otherwise been resolved.

During any time that a PRS complaint or any allegation(s) within a complaint are set aside pending the resolution of a BSEA due process hearing, a PRS Specialist will be assigned to monitor the status of the BSEA matter and resume the PRS investigation into any allegation(s) not resolved by the BSEA matter. For those issue(s) set aside during the pendency of the BSEA due process hearing, once the due process hearing matter has concluded with the BSEA, PRS will determine if any issues raised in the PRS complaint were not addressed in the due process hearing. If any issues remain unresolved, PRS will resume the investigation into those issues.

Pursuant to 34 C.F.R. § 300.152(c)(2)(i), if a BSEA hearing officer has ruled on an issue at a due process hearing involving the same parties, the hearing officer’s decision is binding on that issue and the same issue cannot be investigated by PRS.

**(u) Retaliation Prohibited**

Retaliation by a public agency against a Complainant for filing a special education complaint is prohibited. Retaliation can take the form of intimidation, threat, coercion, or discrimination. A party who believes a school district or other public agency has engaged in retaliatory activities should contact PRS. The Office for Civil Rights (OCR) within the U.S. Department of Education has 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. Complaints regarding an allegation of retaliation for filing a complaint may also be directed to OCR at:

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

Phone: 617-289-0111
FAX: 617-289-0150; TDD: 877-521-2172
Email: OCR.Boston@ed.gov

**(v) Complaints regarding students enrolled in private schools at private expense**

In some circumstances, a private school official can file a complaint with PRS about whether an LEA is meeting certain requirements in federal special education law about equitable services for parentally placed private school students with disabilities. The private school official can file a complaint with PRS alleging that the LEA 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. For more information, please see 34 C.F.R. § 300.136(a).

**(w) Department’s General Supervision**

DESE has [general supervision](https://www.doe.mass.edu/sped/) responsibilities under IDEA Part B. As a part of its general supervision responsibilities, DESE provides technical assistance and monitors implementation of IDEA Part B and state special education laws and regulations in Massachusetts.Information gathered by PRS during its technical assistance activities and its complaint process is used by the Department to inform its general supervision activities. For example, information related to concerns and trends observed by PRS may inform the Department’s professional development for schools and districts and impact the Department’s [Integrated Monitoring](https://www.doe.mass.edu/psm/) efforts and LEA Determinations, which are two other components of the Department’s system of general supervision.