

DESE PRS Webinar Notes

Goal is to resolve disputes early, avoid having families have to go to hearing

- Complaints quadrupled from FY 14 through FY 24 (500 to 2000)
- This is the reason they're refocusing

What are the requirements for filing a complaint?

- Alleges violation of Part B of IDEA w/in one year
- No limits to filing outside of regulatory filing requirements

What are the requirements for an investigation?

- Give the complainant an opportunity to submit additional info about the allegations
- Provide the district w/an opportunity to respond
- Any individual can file; you don't need a lawyer/advocate

What is the scope of DESE's authority?

- More can be filed as a complaint than via due process (hearing)

What is the process supposed to look like?

- Guidance is provided to DESE by US Dept. of Education
- DESE's intention is to be less adversarial: "burden of proof" is not on parents; it's up to PRS to investigate and give an independent view of the incident

What's an example of a violation of Part B of IDEA?

- IEP service has been accepted a service (i.e. speech & language) & the service is not being provided by the district

How does PRS meet these requirements?

- 2 managers, 4 investigation teams (2 dedicated to special education), 1 corrective action team, 1 technical assistance team, 1 support staff team
- PRS Specialists require Masters-level degree & professional background related to education

Overview of Special Education Complaint Process Intake

- Intake received -> Assigned to investigator -> Reviewed for minimum requirements
- Then, either No Further Action (NFA) Letter if minimum requirements missing, or matter is open for investigation if complaint meets minimum requirements

Overview of Investigation

- PRS reviews all relevant information & makes independent determination whether district or school violated special education laws or regulations
- PRS must: provide complainant opportunity to submit additional info & provide the district w/a chance to respond

- PRS may: issue a request for local response (RLR) letter & conduct interviews and/or onsite investigations

Overview of Determination

- PRS reviews all information
- Drafts determination including a) findings of fact b) conclusions c) reasons for final decision
- Determination is reviewed internally, then issued to both parties
- Finding of compliance: PRS determines district complied legally
- Finding of noncompliance: PRS develops Orders of Corrective Action

Orders of Corrective Action

- PRS has broad authority to determine necessary actions
- Takes into account what parent asks for in complaint
- Typically takes form of compensatory services for complainant
- PRS takes into account why this occurred, so addressing issue for all students w/disabilities in the future (i.e. staff training)

Timelines

- PRS will issue a written decision w/in 60 calendar days of complaint receipt, unless subject to an allowable extension
- What are allowable extensions? State-sponsored mediation by agreement or exceptional circumstances as determined by PRS on a case-by-case basis (this does not mean something like a lack of staffing in a district, for example)

Request for Factual Correction

- If any party believes findings of fact in a written final decision contradict the information shared, there's a 10 day window to have that corrected

PRS decisions are final & may not be appealed, so the next step after a PRS finding would be a BSEA hearing, filing with OCR, etc.

PRS issues a Letter of Closure once a district has reached full compliance. Typically, they have a year to comply, sometimes with timelines focused on specific benchmarks.

Tips!

- Work together to resolve disputes before, during, and after filing; you can always withdraw
- Communicate with your assigned specialist
- Frame your communications w/PRS as if the investigator has no knowledge of what happened.]