North Dakota
Department of Public Instruction
Office of Specially Designed Services

Annual Report for IDEA
Dispute Resolution
July 1, 2022 – June 30, 2023

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If you have any questions concerning the information in this report, feel free to contact NDDPI at (701) 328-2277.

DISPUTE RESOLUTION MANAGEMENT HISTORY
JULY 1, 2022– JUNE 30, 2023

SCHOOL YEAR	FIEP REQUEST(S) (COMPLETED)	MEDIATION REQUEST(S) (COMPLETED)	COMPLAINT INVESTIGATION REQUEST(S) (INVESTIGATED)	DUE PROCESS COMPLAINT NOTICE REQUEST(S) (DISMISSED)
7/1/22 – 6/30/23	3 (2)	5 (3)	10* (4)	3 (1)
7/1/21 – 6/30/22	8 (7)	6 (1)	8 (4)	2*(1)
7/1/20 – 6/30/21	4 (3*)	3 (2)	8 (6)	2 (0)
7/1/19 – 6/30/20	6 (1*)	4 (1)	10 (3)	1 (1)
7/1/18 – 6/30/19	7 (8)	5 (3)	11 (4)	2 (2)
7/1/17 – 6/30/18	4 (3)	3 (1)	12 (4)	0 (0)
7/1/16 – 6/30/17	8 (6)	2 (1)	10 (4)	2 (1)
7/1/15 – 6/30/16	15 (6)	3 (0)	4 (3)	1(0)
7/1/14 – 6/30/15	11 (10)	6 (5)	5 (1)	2 (2)
7/1/13 – 6/30/14	5 (2)	2 (0)	3 (1)	4 (4)
7/1/12 – 6/30/13	2	3	6 (3)	0 (0)
7/1/11 – 6/30/12	10 (5)	4 (3)	2 (0)	0 (0)
7/1/10 – 6/30/11	8 (5)	2 (1)	4 (3)	1 (1)
7/1/09 – 6/30/10	10 (8)	2 (0)	3 (2)	0 (0)
7/1/08 – 6/30/09	7 (6)	1 (1)	1 (1)	0 (0)
7/1/07 – 6/30/08	8 (7)	1 (0)	3 (3)	0 (0)
7/01/06– 6/30/07	3 (3)	3 (3)	3 (3)	0 (0)
7/1/05 – 6/30/06	4 (4)	3 (5)	8 (8)	2 (2)
7/1/04 – 6/30/05	N/A	4 (4)	3 (3)	1 (1)
7/1/03 – 6/30/04	N/A	1 (1)	11 (11)	0 (0)

7/1/2022 – 6/30/2023 SCHOOL YEAR
DISPUTE RESOLUTION SUMMARY

Three requests for ***IEP Facilitation*** were received:

- Two requests resulted in the successful completion of the IEP**.**
- One request resulted in the parent not wanting to facilitate, as the *Request for Mediation* resolved the issue.

Five requests for ***Mediation*** were received:

- One request resulted in the parties signing a Mediation Agreement.
- One request resulted in the district choosing not to participate in mediation but instead filing a *Request for a Facilitation Meeting*.
- One request resulted in a mediation meeting with the completion of a partial Mediation Agreement.
- One request did not result in a mediation meeting. The parties disagreed with the individual identified on the district's mediation request.
- One request resulted in an informal agreement.

Ten requests for ***Complaint Investigation*** were received:

- Four requests met the criteria, and an investigation was completed.
- Two requests did not meet the requirements for filing an IDEA Complaint and were forwarded to OCR.
- One* request met the criteria and is currently being investigated (the outcome of the allegations will be reported in the 2023-2024 Annual Report).
- One request resulted in the parent submitting a *Request for a Systemic Complaint Investigation* but later dismissed the request and filed a *Due Process Complaint Notice*.
- One complaint request was also filed as *a Due Process Complaint Notice*. The parent later withdrew the *Request for Complaint Investigation* as the due process proceedings resolved the allegations.
- One complaint filed did not state the allegations & violations. The parent did not resubmit the needed requirements for filing a *Request for Complaint Investigation*.

Three requests for ***Due Process Complaint Notice*** were received:

- Two requests resulted in a decision for the district.
- One request resulted in the parties reaching a resolution and a Settlement Agreement was executed.

*** NOTED ON THE DISPUTE RESOLUTION MANAGEMENT HISTORY CHART INDICATES THE DISPUTE WAS FILED AND COUNTED IN THE CURRENT SCHOOL YEAR BUT THE OUTCOME WAS COMPLETED AND REPORTED IN THE NEXT SCHOOL YEAR OR FEDERAL REPORTING PERIOD.**

FIEP REQUESTS: JULY 1, 2022 – JUNE 30, 2023
PARENT (P) & SCHOOL (S)

DATE FIEP REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
4/28/2023 Special Education Director (S) & Parent (P)	1. Adaptations/accommodations (P&S) 2. Implementation of the IEP (P&S)	5/23/2023	Facilitation resulted in the successful completion of the IEP.
3/20/2023 Parent (P) & Special Education Director (S)	1.Other – Per the Mediation Agreement on 4/7/2021, the team agreed the facilitator would be present at the IEP Meeting to keep the team on track and to keep the meeting moving forward. (P&S)	4/4/2023	Facilitation resulted in the successful completion of the IEP.
7/1/2022 Parent (P) & Special Education Director (S)	1. Adaptations/accommodations. (P&S) *(Parties jointly filed a Mediation Request on 7/13/2022).*	N/A	The parent notified the NDDPI that the *Request for an IEP Facilitation* was no longer needed as the *Mediation Request* filed on 7/13/2023 resolved the issue.

MEDIATION REQUESTS: JULY 1, 2022 – JUNE 30, 2023
PARENT (P) & SCHOOL (S)

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Parent (P) & District Principal (S)	5/10/2023	Eligibility Determination, area of identification. (P & S)	The mediation meeting resulted in the Mediation Agreement signed by the parties.
Parents (P)	4/23/2023	Parent – Issues related to IEP services. (P) *(Parent also submitted an IEP Facilitation Request on 4/28/2023).*	The district chose not to participate in mediation but instead filed a *Request for a Facilitation Meeting*.
Parents (P) & District (S)	1/19/2023	Parent – Communication, meaningful parental involvement, behavioral support/training, positive conflict resolution, timelines/implementation, ACC Device. (P) District – Frequency & modes of communication between school & parents (written & verbal). Frequency of parents calling meetings. Special Education services provided. Reporting of progress towards IEP goals. Frequency and duration of the meeting. (S)	The mediation meeting resulted in a partial Mediation Agreement.
Special Education Unit (S)	11/3/2022	District – 1. Frequency & modes of communication between school & parents. Frequency of parent's call meetings. Special Education services provided. Report of progress towards IEP goals. Frequency and duration of meetings. (S)	Parties disagreed with the individual identified on the district's mediation request form, and therefore, since both parties did not agree to proceed, the mediation meeting was not held.
Parent (P) & Special Education Director (S)	7/13/2022	Accommodations to help the student gain independence for building access. (P) & (S) *(The parties jointly filed an IEP Facilitation Request on 7/1/2023 but decided to put it on hold and filed a Mediation Request instead.)*	The mediation meeting resulted in an informal agreement.

COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2022 – JUNE 30, 2023
PARENT (P) & SCHOOL (S)

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION(S)	VIOLATION Y/N	REPORT DATE
Parent	6/26/2023	1. Did the school fail to implement the student's IEP by not providing the required minutes of one-on-one speech services during the 2022-2023 school year, and if so, did the school deny FAPE? (P) 2. Did the school fail to implement the student's BIP and/or IEP by not using a communication device and adhering to a rest break schedule, and if so, did the school deny FAPE? (P) 3. Did the school fail to implement the student's IEP by not engaging in meaningful and regular communication with the parents, and if so, did the school deny FAPE? (P)	*Currently being investigated	NDDPI will report the outcome of the complaint allegations in the 2023-2024 federal reporting period.	N/A
Parent	5/16/2023	1. Did the school fail to implement the vision services & accommodations in the IEP in violation of IDEA, thereby denying FAPE? (P) 2. Did the school fail to ensure the administration of necessary eye drops in violation of the IDEA and thereby deny FAPE? (P)	Yes Investigated	1. No Violation 2. No Violation	7/14/2023
Parents	5/3/2023	1. Did the school fail to provide frequent breaks in accordance with the student's IEP & thereby deny FAPE in violation of the IDEA. (P)	Yes Investigated	1. No Violation	6/29/2023
Parent	5/1/2023	1. Failure to allow parent to be included in the child's placement. (P) *(Parent filed as a Systemic Complaint but withdrew the Systemic Complaint & filed a Due Process Complaint Notice on 5/1/2023.)*	N/A	N/A	N/A
Parent	4/3/2023	After reviewing the Complaint and the Systemic Requests, the NDDPI determined the information provided did not meet the requirements for filing a complaint under IDEA law. The Complaint Requests were forwarded to OCR. (Issue/bullying)	N/A	N/A	N/A
Parent	1/17/2023	NDDPI determined we could not proceed with the Complaint Request due to the parent not stating the allegations & violations. The parent did not resubmit the needed requirements for filing a complaint request.	N/A	N/A	N/A

COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2022 – JUNE 30, 2023
PARENT (P) & SCHOOL (S)

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N	VIOLATION Y/N RECOMMENDATION(S)	REPORT DATE
Parent	1/7/2023	After reviewing the Complaint Request, the NDDPI determined the information provided did not meet the requirements for filing a complaint under IDEA law. The Complaint Request was forwarded to OCR. (Issue/discrimination)	N/A	N/A	N/A
Parent	12/7/2022	1. Failure to implement the IEP as written for both siblings. (P) *(On 12/7/2022, the parent filed a Due Process Complaint Notice for the same allegation for both siblings.)*	The investigator did not address the complaint allegations until the conclusion of the Due Process proceedings. On 2/23/2023, the parent notified NDDPI to withdraw the *Request for Complaint Investigation.*	N/A	N/A
Guardian	8/29/22	1. Did the school implement a shortened school day & thereby deny FAPE in violation of the IDEA? (P) 2. Did the school fail to implement the child's IEP & BIP and thereby deny FAPE? (P) 3. Did the school fail to provide IDEA services during the child's suspensions and thereby deny FAPE? (P) 4. Did the school fail to revise the IEP to address the child's anticipated needs & behavior & thereby deny FAPE? (P)	Yes Investigated	1. No, Violation 2. No, Violation 3. No, Violation 4. Yes, Violation	10/26/2022
Parents	7/6/2022	1. Did the school fail to provide FAPE over a two-day period due to not being able to complete a comprehensive assessment before the student's 10th birthday?	Yes Investigated	1. No, Violation	9/2/2022

DUE PROCESS COMPLAINT NOTICES: JULY 1, 2022– JUNE 30, 2023
PARENT (P) & SCHOOL (S)

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	RESOLUTION OUTCOME (DATE)	HEARING Y/N (DATE)	OUTCOME (REPORT DATE)
Parent	5/1/2023	1. Failure to allow parent to be included in the child's placement. (P)	On 5/26/2023, the parties executed a written waiver of the resolution meeting. *(Parent filed as a Systemic Complaint but withdrew the Complaint & filed a Due Process Complaint Notice on 5/1/2023.)*	6/14 & 15, 2023	The school district provided FAPE for the student.
Parents (siblings)	12/7/2022	1. Failure to implement the IEP as written for both siblings. (P) *(On 12/7/2022, the parent filed a Complaint Investigation Request for the same allegation for both siblings.)*	On 12/13 & 12/20/2023, the parties held resolution meetings. The parties reached a resolution.	N/A	On 2/1/2023, the parties executed a Settlement Agreement and Release of Claims resulting in a resolution of all disputed issues. On 2/9/2023, the Administrative Law Judge (ALJ) issued the Due Process Notice of Dismissal.
Parent	9/7/2022	1. Failure to provide FAPE. (P)	On 9/19/2023, the parties held a resolution meeting.	4/3 & 4, 2023	The school district correctly implemented the IEP to provide FAPE.