North Dakota
Department of Public Instruction
Office of Specially Designed Services

Annual Report for I.D.E.A.
Dispute Resolution
July 1, 2021 – June 30, 2022

Levi Bachmeier, State Superintendent
ND Department of Public Instruction
600 E Boulevard Avenue, Dept. 201
Bismarck, ND 58505-0440
https://www.nd.gov/dpi

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, 2021– JUNE 30, 2022

SCHOOL YEAR	FIEP REQUEST(S) (COMPLETED)	MEDIATION REQUEST(S) (COMPLETED)	COMPLAINT INVESTIGATION REQUEST(S) (INVESTIGATED)	DUE PROCESS COMPLAINT NOTICE REQUEST(S) (DISMISSED)
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)

7/1/2021 – 6/30/2022 School Year – Dispute Resolution Summary

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

- Seven requests resulted in successful completion of the IEP**.**
- One request did not result in the successful completion of the IEP.

Six requests for ***Mediation*** were received:

- One request resulted in a successful formal agreement.
- Two requests did not result in a formal agreement.
- Two requests resulted in parents withdrawing the request.
- One request the district chose not to participate.

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

- Four requests met criteria and an investigation was completed.
- One requests did not meet threshold for an IDEA investigation.
- One request resulted in parties requesting to dismiss complaint.
- Two requests were forwarded to BIE.

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

- *One Due Process Hearing was held August 2021 (after 2020-21 federal reporting period) resulted in a decision for the district.
- One request resulted in a decision for the district.
- One request resulted in the withdrawal of the Due Process Complaint Notice.

FIEP REQUESTS: JULY 1, 2021 – JUNE 30, 2022
PARENT (P) & SCHOOL (S)

DATE FIEP REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
4/19/2022 Parent (P) & Special Education Director (S)	1. Services – Homebound Services (P&S) 2. Other – Behavior Intervention Plan (P&S) 3. Discipline/Behavior (P&S)	4/21/2022 & 5/6/2022	Facilitation resulted in the successful completion of the BIP within the IEP.
2/11/2022 Parent (P) & Special Education Director (S)	The joint mediation request submitted by parties on 1/14/2021 resulted in a formal Mediation Agreement that included a facilitator would attend the next IEP meeting to keep team on track and moving forward. (P&S)	4/7/2022	Facilitation resulted in the successful completion of the IEP.
11/12/2021 Parent (P) & Special Education Director (S)	This was a follow-up results meeting (at a previous FIEP meeting, it was determined that more information/assessment was needed). (P&S)	1/11/2022	Facilitation resulted in the successful completion of the IEP.
10/12/2021 Parent (P) & Special Education Director (S)	1. Placement (P&S) 2. Identification/Evaluation-IEE Added (P&S) 3. Services (P&S) 4. Goals (P&S) 5. Other – After-School Transportation (P&S) 6. Adaptations/Accommodations (P&S) 7. Discipline/Behavior (P&S) 8. Implementation of IEP (P&S) *(Parent submitted Mediation Requests on 3/2/2022 and 8/17/2021).*	11/8/2021	Facilitation resulted in the successful completion of the IEP.
9/27/2021 Parent (P) & District Principal (S)	1. Present Levels of Ed Performance (P&S) 2. Goals (P&S) 3. Adaptations/Accommodations (P&S) 4. Discipline/Behavior (P&S) 5. Implementation of IEP (P&S)	10/13/2021	Facilitation resulted in the successful completion of the IEP.
9/9/2021 Parent (P) & Assistant Director of SEU (S)	1. Placement (P&S) 2. Identification/Evaluation (P&S) 3. Services (P&S) 4. Goals (P&S) 5. Other (P&S) 6. Adaptions/Accommodations (P&S) 7. Discipline/Behavior (P&S) 8. Implementation of IEP (P&S)	9/21/2021	Facilitation resulted in the successful completion of the IEP.
7/30/2021 Parent (P) & Special Education Director (S) 2 - Siblings	1. Placement (P&S) 2. Identification/Evaluation (P&S) 3. Present Level of Ed Performance (P&S) 4. Services (P&S) 5. Transition (P&S) 6. Goals (P&S) 7. Other (P&S) 8. Adaptations/Accommodations (P&S) 9. Related Services (P&S) 10. Assistive Technology (P&S) 11. Progress Monitoring (P&S) 12. Discipline/Behavior (P&S) 13. Implementation of IEP (P&S)	<u>Sibling #1</u> – 8/17/2021 <u>Sibling #2</u> – 9/2/2021	<u>Sibling #1</u> – Facilitation did not result in the successful completion of the IEP. <u>Sibling #2</u> – Facilitation resulted in the successful completion of the IEP.

MEDIATION REQUESTS: JULY 1, 2021 – JUNE 30, 2022
PARENT (P) & SCHOOL (S)

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Parents (P) & Special Education Director (S)	5/13/2022	Parents requested to discuss alternatives. (P) *(Parents also submitted a Request for a Complaint Investigation on 7/6/2022).*	Parents withdrew their Mediation Request and opted for a Complaint Investigation.
Parents (P) & District Superintendent (S)	3/29/2022	1. Handicap Accessibility (P&S) 2. Lack of Communication (P&S) 3. Lack of Inclusion on Ed Experiences (P&S) 4. Lack of Services to Accommodate Needs (P&S) *(Parents also submitted a Request for Complaint Investigation on 3/22/2022).*	Mediation resulted in a formal agreement.
Parents (P) & District Superintendent/ Principal (S)	3/8/2022	Individualized help at least one hour a day. Certified special education teacher. (P&S) *(Parents also submitted a Complaint Request on 3/3/2022.)*	Parties withdrew the Mediation Request.
Parent	3/2/2022	Manifestation & Behavior Plan. (P)	Received Mediation Request from parent only. District chose not to participate in mediation.
Parent (P) & Special Education Director (S)	9/2/2021	The district requested mediation to address parent complaints in a letter NDDPI sent on 8/20/2021. *(Parent submitted a Complaint Request & Due Process Complaint on 8/6/2021.)*	Mediation did not result in a formal agreement. Parties decided to proceed with a Complaint Investigation and Due Process Complaint.
Parent (P) Special Education Director (S)	8/17/2021	Length of school day, education programming, and social-emotional supports. (P&S)	Mediation did not result in a formal agreement.

COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2021 – JUNE 30, 2022
PARENT (P) & SCHOOL (S)

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION(S)	VIOLATION Y/N	REPORT DATE
Parent	3/22/2022	1. Did the school fail to implement the student's IEP when drafting the IEP goals in relation to the student's progress & when scheduling meetings to discuss the IEP & if so, did the school deny FAPE? (P) 2. Did the school fail to implement the student's IEP by not allowing the student's mother to attend special education and/or therapy sessions with the student or volunteer at the school, and if so, did the school deny FAPE? (P) 3. Did the school fail to implement the student's IEP by not offering disability-related accommodations & services, & if so, did the school deny FAPE? (P) 4. Did the school fail to implement the student's IEP in the provision of the services offered by the student's one-on-one paraprofessional, and if so, did the school deny FAPE? (P)	Yes Investigated	1.No Violation 2. No Violation 3. No Violation 4. No Violation	5/24/2022
Parent	3/17/2022	Student was BIE. The Complaint Request was forwarded to BIE.	Not Investigated	N/A	N/A
Parents	3/3/2022	Did the school fail to provide the special education & related services set forth in the student's IEP and thereby deny FAPE? (P) *(The parents submitted a Mediation Request on 3/8/2022. On 4/12/2022 the parents signed a withdrawal form for both the Mediation and the Complaint requests.)*	Not Investigated	N/A	N/A
Parent	12/20/2021	Student was BIE. The Complaint Request was forwarded to BIE.	Not Investigated	N/A	N/A
Parent	11/8/2021	1.Did the school fail to provide the special education & accommodations identified in the student's IEP and if so, did that denial deprive the student of FAPE? (P)	Yes Investigated	1.Yes Violation	12/30/2021

COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2021 – JUNE 30, 2022
PARENT (P) & SCHOOL (S)

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N	VIOLATION Y/N RECOMMENDATION(S)	REPORT DATE
Parent	10/25/2021	Did not meet the threshold for IDEA investigation.	Not Investigated	N/A	N/A
Parent	10/8/2021	1.Did the school fail to implement the student's BIP and/or IEP by not providing the student a soft landing on Oct. 1, 2021, and if so, did the school deny FAPE? (P) 2.Did the school fail to implement the student's BIP and/or IEP by removing the student due to escalating behaviors causing student to miss classroom instruction time and if so, did the school deny FAPE? (P) *(Facilitation Request was submitted by parties on 9/27/2021.)*	Yes Investigated	1. No Violation 2. No Violation	12/3/2021
Parent	8/6/2021	1. Whether the school improperly changed the student's placement to homebound on 1/11/2021, during a COVID quarantine & thereby deny FAPE? (P) *(Parent submitted a Mediation Request on 9/2/2021 & a Due Process Complaint on 8/6/2021.)*	Yes Investigated	1. No Violation	10/5/2021

DUE PROCESS COMPLAINT NOTICES: JULY 1, 2021– JUNE 30, 2022
PARENT (P) & SCHOOL (S)

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	RESOLUTION OUTCOME (DATE)	HEARING Y/N (DATE)	OUTCOME (REPORT DATE)
Parent	11/26/2021	Educational placement issues (the school recommended a more restrictive placement). (P)	Resolution meeting held on 12/15/2021.	NA	Parent withdrew the Due Process Request on 1/11/2022.

DUE PROCESS COMPLAINT NOTICES: JULY 1, 2021– JUNE 30, 2022
PARENT (P) & SCHOOL (S)

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	RESOLUTION OUTCOME (DATE)	HEARING Y/N (DATE)	OUTCOME (REPORT DATE)
Parent	8/6/2021	1.Did the district deny FAPE by failing to convene an IEP meeting to discuss placement? (P) 2. Did the district deny FAPE by failing to re-evaluate prior to change of placement? (P) 3. Was FAPE denied due to not addressing mental health & the disability? (P) 4. Did the district fail to provide an accommodation? (P) 5.Did the district improperly change the LRE? (P) 6. Was FAPE denied due to not being a school setting? (P) 7. Was FAPE denied due to not providing a full school day and not providing academic instruction by a qualified teacher? (P) 8. Did the student's IEP at private school provide FAPE? (P) 9. Did the district & school address mental health needs? (P) 10. Was the parent denied participation? (P) 11. Did the district fail child-find obligation to identify disability? (P) 12. Did the district improperly delay the IEE? (P) 13. Did the district issue PWN as required by IDEA? (P) *(Parent submitted a Complaint Request on 8/6/2021. A Mediation Request was submitted on 9/2/2021.)*	NA	Hearing held on 10/18/2022.	The parent failed to establish that the district violated the IDEA or that the student has not received FAPE.