

***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***



**NORTH DAKOTA DEPARTMENT OF  
PUBLIC INSTRUCTION**

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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, 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)  <i>(Parent submitted Mediation Requests on 3/2/2022 and 8/17/2021).</i>	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. Adaption/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)  <i>(Parents also submitted a Request for a Complaint Investigation on 7/6/2022).</i>	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)  <i>(Parents also submitted a Request for Complaint Investigation on 3/22/2022).</i>	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)  <i>(Parents also submitted a Complaint Request on 3/3/2022.)</i>	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.  <i>(Parent submitted a Complaint Request &amp; Due Process Complaint on 8/6/2021.)</i>	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	<p>1. Did the school fail to implement the student's IEP when drafting the IEP goals in relation to the student's progress &amp; when scheduling meetings to discuss the IEP &amp; if so, did the school deny FAPE? (P)</p> <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)</p> <p>3. Did the school fail to implement the student's IEP by not offering disability-related accommodations &amp; services, &amp; if so, did the school deny FAPE? (P)</p> <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)</p>	Yes Investigated	<p>1.No Violation</p> <p>2. No Violation</p> <p>3. No Violation</p> <p>4. No Violation</p>	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	<p>Did the school fail to provide the special education &amp; related services set forth in the student's IEP and thereby deny FAPE? (P)</p> <p><i>(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.)</i></p>	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)  <i>(Facilitation Request was submitted by parties on 9/27/2021.)</i>	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)  <i>(Parent submitted a Mediation Request on 9/2/2021 &amp; a Due Process Complaint on 8/6/2021.)</i>	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)  <i>(Parent submitted a Complaint Request on 8/6/2021. A Mediation Request was submitted on 9/2/2021.)</i>	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.