

***North Dakota
Department of Public Instruction
Office of Special Education***

***Annual Report for I.D.E.A.
Dispute Resolution
July 1, 2019 – June 30, 2020***



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

**Kirsten Baesler, State Superintendent
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, 2019 – JUNE 30, 2020**

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

7/1/2019 – 6/30/2020 School Year – Dispute Resolution Summary

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

- One* request resulted in a successful completion of the IEP through a Zoom meeting held in August 2020 (After the federal reporting period. The FIEP outcome will be counted in the 2020-2021 Dispute Resolution Report).
- One request was not held due to a Due Process Complaint in process.
- One request resulted in the team reaching an impasse.
- Three requests were closed as of June 30, 2020 due to Covid-19.

Four requests for **Mediation** were received:

- One request resulted in a successful formal agreement.
- One request was withdrawn & parties chose to file a FIEP Request.
- One request resulted in an agreement in all but one issue.
- One request the parties chose not to mediate but to continue with the Complaint Investigation.

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

- One request did not meet threshold for an IDEA investigation.
- Two requests were forwarded to BIE.
- Three requests met criteria and an investigation was completed.
- Four requests withdrew the Complaint Request.

One request for **Due Process Complaint** was received:

- One request resulted in parties reaching a settlement agreement & the hearing canceled.

**FIEP REQUESTS: JULY 1, 2019 - JUNE 30, 2020
PARENT (P) & SCHOOL (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
<p align="center">6/3/2020</p> <p align="center">Parent (P) & Special Education Director (S)</p>	<p>1. Adaptations/Accommodations (P/S) 2. Assistive Technology (P/S) 3. Discipline/Behavior (P/S)</p>	<p>Due to Covid-19, the FIEP meeting was delayed until August 2020 (after the federal reporting period).</p>	<p>In August 2020, the parties successfully completed the IEP in a Zoom meeting.</p> <p><i>(*Outcome will be counted in the 2020-2021 DR Report.)</i></p>
<p align="center">2/27/2020</p> <p align="center">Special Education District Coordinator (S)</p>	<p>1. Other (S)</p> <p><i>(FIEP Request was filed after the Due Process Complaint Request was received on 11/15/2019.)</i></p>	<p align="center">N/A</p>	<p>Due to the existing Due Process Complaint, there was no FIEP.</p>
<p align="center">2/24/2020</p> <p align="center">Parent (P) & District Superintendent (S)</p>	<p>1. Identification/Evaluation (P/S) 2. Present Levels of Education Performance (P/S) 3. Services (P/S) 4. Goals (P/S) 5. Other (PBS plan, team meeting notes, schoolwide discipline) (P/S) 6. Adaptations/Accommodations (P/S) 7. Related Services (P/S) 8. Assistive Technology (P/S) 9. Progress Reporting (P/S) 10. Discipline/Behavior (P/S) 11. Implementation of IEP (P/S)</p> <p><i>(On 12/11/2019, parent filed a Complaint Request. On 1/3/2020, parent submitted a Request for Mediation. On 2/24/2020, parent withdrew both the Mediation & the Complaint Request & submitted a FIEP Request.)</i></p>	<p align="center">N/A</p>	<p>Due to the end of the federal reporting period and Covid-19, the FIEP was closed.</p>
<p align="center">2/6/2020</p> <p align="center">Parent (P) & District Superintendent (S)</p>	<p>1. Services (P) 2. Transition (P) 3. Other (moving to another school district) (P) 4. Reached an impasse but agreed to having a FIEP meeting (S)</p>	<p align="center">6/3/2020</p>	<p>Parties met virtually and worked through many of the IEP related issues. Two issues prevented the finalization of an IEP. Due to Covid-19, the FIEP Request was closed.</p>
<p align="center">1/7/2020</p> <p align="center">Parent (P) & Special Education Director (S)</p>	<p>1. Placement (P/S) 2. Services (P/S) 3. Discipline/Behavior (P/S) 4. Implementation of IEP (P/S)</p>	<p align="center">3/9/2020 & 3/23/2020</p>	<p>The IEP meeting started on 3/9/2020 but parties were unable to complete the IEP. Meeting was rescheduled to 3/23/2020. Due to Covid-19 & the parties requesting to meet in-person, the FIEP was closed in June 2020 without resolution. Parties were directed to refile FIEP Request if they wanted to resume FIEP.</p>

**FIEP REQUESTS: JULY 1, 2019 - JUNE 30, 2020
PARENT (P) & SCHOOL (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
11/21/2019 Parent (P) & Special Education Director (S)	1. Placement (P/S) 2. Services (P/S) 3. Discipline/Behavior (P/S) 4. Implementation of IEP (P/S)	12/16/2019	Team completed most of the IEP but were unable to resolve special education issues and led to an impasse.

**MEDIATION REQUESTS: JULY 1, 2019 – JUNE 30, 2020
PARENT (P) & SCHOOL (S)**

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Parent (P) & Special Education Director (S)	1/3/2020	Did the school deny the student's FAPE in violation of IDEA by not adequately implementing the IEP for the student? (P/S) <i>(On 12/11/2019, parent filed a Complaint request. On 2/24/2020, parent withdrew both the Complaint and Mediation request. On 2/24/2020, parent filed a FIEP request.)</i>	Parties withdrew their participation for mediation and opted for a FIEP meeting.
Parent (P) & Special Education Director (S)	12/9/2019	Individualized Education Program (including appropriate placement for student). (P/S) <i>(Mediation Request was filed as part of the Due Process Complaint Request received on 11/15/2019. On 2/27/2020, school district filed a FIEP request).</i>	Multiple mediations occurred. Mediation resulted in a formal agreement on all areas except placement.
Parent (P) & Special Education Director (S)	11/25/2019	Transportation, communication, safety, and programming. (P/S)	Mediation resulted in a successful formal agreement.
District Superintendent (S)	10/22/2019	<i>(On 9/20/2019, parents filed a Complaint Request. Parents chose not to participate in mediation but to continue with the Complaint Investigation submitted on 9/20/2019.)</i>	NA

**COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2019 – JUNE 30, 2020
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION(S)	VIOLATION Y/N RECOMMENDATION(S)	REPORT DATE
Parent (P)	3/10/2020	<p>1. Did the school comply with requirements of IDEA to implement student's IEP with respect to music programming? (P)</p> <p>2. Did the school comply with the requirements of IDEA for enabling the parent to exercise the parent's rights to participate in the development, review or revision of the student's IEP? (P)</p> <p>3. Did the schools' actions regarding music programming for the student trigger an obligation for the school to give timely PWN to the parent regarding proposed change of placement or refusal to change placement? If so, did the school comply with requirements of IDEA for timely PWN? (P)</p>	<p align="center">Not Investigated</p> <p><i>(On 3/26/2020, Department received documentation the district had reached a resolution. On 4/9/2020, parent verified and withdrew the Complaint request.)</i></p>	<p align="center">N/A</p>	<p align="center">N/A</p>
Parent (P)	3/20/2020	<p>1. Did the school fail to implement the student's IEP by failing to provide accommodations related to the student's health conditions and thereby deny FAPE? (P)</p> <p>2. Did the school fail to properly constitute an IEP team on Feb. 3, 2020 to include a district representative and thereby deny FAPE? (P)</p>	<p align="center">Yes Investigated</p> <p>1. The occasional failure to provide accommodations did not deny FAPE.</p> <p>2. The procedural violation of section 300.321(a) (failure to properly constitute an IEP team) did not deny FAPE.</p>	<p>1. No Violation <u>Recommendation:</u> Training about required IEP team members' roles and responsibilities.</p> <p>2. No Violation <u>Recommendation:</u> For strong team communication surrounding student's health conditions.</p>	<p align="center">5/20/2020</p>
Parent (P)	1/10/2020	<p>Did the school deny student's FAPE in violate of IDEA by not implementing the student's IEP? (P)</p> <p><i>(On 2/7/2020, parent filed a request to withdraw the Complaint request.)</i></p>	<p align="center">Not Investigated</p>	<p align="center">N/A</p>	<p align="center">N/A</p>

**COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2019 – JUNE 30, 2020
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION	VIOLATION Y/N RECOMMENDATION(S)	REPORT DATE
Parent (P)	12/23/2019	1. Did the school fail to provide documentation of AT? (P) 2. Did the school fail to provide AT? (P) 3. Did the school fail to follow the IEP Plan? (P) 4. Did the school fail to provide supports and accommodations? (P)	Not Investigated <i>(Complaint was forwarded to BIE)</i>	N/A	N/A
Parent (P)	12/20/2019	1. Did the school fail to identify and evaluate? (P) 2. Did the school fail to provide services and supports? (P)	Not Investigated <i>(Complaint was forwarded to BIE.)</i>	N/A	N/A
Parent (P)	12/11/2019	Did the school deny the student's FAPE in violation of IDEA by not adequately implementing the IEP for the student? (P) <i>(On 2/24/2020, parent filed a FIEP request. On 1/3/2020, parent filed a mediation request. On 2/24/2020, parent submitted a request to withdrew both the Mediation and the Complaint request.)</i>	Not Investigated	N/A	N/A
Parent (P)	12/2/2019	1. Predetermination of Student Profile meeting (P) 2. Predetermination of IEP under IDEA (P) 3. Gross misconduct to the parent (P) 4. Denial of FAPE (P) 5. Unnecessary delay in FAPE. (P) 6. Not taking outside diagnosis into consideration (P) 7. Discrimination towards a parent advocating for their child (P) 8. Defamation of character by slander (P) 9. Improper documentation of student life (P) 10. Retaliation (P)	Not Investigated <i>(Complaint did not meet the threshold for an IDEA investigation.)</i>	N/A	N/A

**COMPLAINT INVESTIGATION REQUESTS CONT'D: JULY 1, 2019 – JUNE 30, 2020
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION(S)	VIOLATION Y/N RECOMMENDATION	REPORT DATE
Parent (P)	11/25/2019	<p>1. Did the school comply with the requirements of the IDEA regarding evaluation of student for a learning disability in 2019? (P)</p> <p>2. Did the school comply with IDEA requirements regarding the implementation, review, & revision of student's Behavior Intervention Plan & other behavior-related IEP content, including the reporting of student's progress or lack of progress, & including the provisions of the compensatory service agreement as documented in the PWN? (P)</p> <p>3. Did the school comply with requirements of IDEA regarding: A. Providing of PWN of school proposed action or inaction? B. Providing timely progress reports in other areas of student's IEP beyond behavior? C. Development & revision of IEP goals to respond to student's progress or lack of progress? (P)</p> <p>4. If the school did not meet requirements of IDEA, did the failure to comply constitute denial of FAPE? (P)</p>	Yes Investigated	<p>1. No Violation</p> <p>2. No Violation</p> <p>3. No Violation <u>Recommendation:</u> For training about methods for ensuring parents receive IDEA mandated documents.</p> <p>4. No Violation</p> <p><u>Other Recommendation:</u> Review with staff when signed parent consent is required to be on file.</p>	1/24/2020
Parent (P)	11/5/2019	Did the school deny the student FAPE in violation of IDEA, by not implementing the student's IEP? (G)	Not Investigated (On 11/21/2019, parent submitted a request to withdraw the Complaint request.)	N/A	N/A

**COMPLAINT INVESTIGATION REQUESTS CONT'D: JULY 1, 2019 – JUNE 30, 2020
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION(S)	VIOLATION Y/N RECOMMENDATION(S)	REPORT DATE
Parent (P)	9/20/2019	Did the school fail to implement the student's Behavior Intervention Plan & thereby fail to provide the student FAPE?	Yes Investigated	No Violation <u>Recommendations:</u> 1. Clarify lunch expectations. 2. For team to look at additional opportunities for student to develop relationships with other adults.	11/29/2019

**DUE PROCESS COMPLAINT NOTICE: JULY 1, 2019 – JUNE 30, 2020
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	RESOLUTION OUTCOME (DATE)	HEARING Y/N (DATE)	OUTCOME (REPORT DATE)
Parent (P)	11/15/2019	Did the school fail to provide appropriate placement and thereby fail to provide FAPE? (P) <i>(On 12/9/2019, as part of the Due Process Complaint, parent filed a Request to Mediate. On 2/27/2020, as part of the Due Process Complaint, the district filed a Request to Facilitate.)</i>	N/A	N/A	Parties reached settlement agreement and the hearing was canceled.